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WORKS IN PROGRESS

ESTABLISHED IN 1990 BY THE THURSTON COUNTY RAINBOW COALITION

PMR activist "John Jacob" exposed as military agent

By Drew Hendricks

A fine line exists between caution and paranoia, one implying responsible vigilance and the other implying unreasonable fear and uncertainty. In the history I am about to impart, what appeared as the latter turned out to be the former.

"John Jacob" first became part of Olympia Port Militarization Resistance (PMR) meetings after we had challenged the movement of the 4th Brigade Combat Team, 2nd Infantry (Strykers) which moved out through the Port of Tacoma in March 2007. This action on our part clearly signaled to Fort Lewis Force Protection personnel that we were intending to challenge their movements regardless of whether they used the Port of Olympia. Their reaction was to place someone close enough to us to deeply understand our identities, our intentions, and our capabilities.

"John Jacob's" first apparent contact with PMR was on May 3, 2007, according to Phan Nguyen. Phan was headed to a PMR meeting in Olympia to help plan our response to the Military using the Port of Grays Harbor (in Aberdeen, WA) to move the 4-6 Air Cavalry to Iraq. A man approached him just after Phan got off of a bus, and called him by name. He asked Phan where the PMR meeting was happening. He then gave Phan a ride to the meeting. Phan was suspicious of him from the start, but these suspicions subsided over time.

My first meeting with "John Jacob" was probably sometime in September 2007. He sent me an email on Sept. 12, in response to my post regarding the March 2007 Tacoma actions and my research into the police documents responsive to those events. We met, and he offered me his observations of Fort Lewis (he had access as a civilian employee) and his knowledge of military techniques and procedures. I gave him the standard speech I make to all offers of this nature: I am not going to accept or solicit classified information from someone with access to it. This would be espionage, and it is a Federal felony punishable by death or imprisonment. We agreed to a protocol which would protect his anonymity and preserve our ability to communicate despite some unknown level of military surveillance. I was deeply suspicious of him and basically expected to find out he was a provocateur who would reveal himself by soliciting or offering armed training or similar inappropriate activities.

During the fall and winter of 2007, he continued to be a presence at meetings and never raised any further alarms in my own estimation. He did provide some observations which he represented as being accurate, but since they were negative observations we didn't have much way to prove or disprove them. He hadn't told us anything that we could see was untrue, and he never suggested we become violent or escalate our tactics to include plans for future violence, as others had suggested. My own suspicions subsided, as did others.

A photo of John Towery taken by a PMR-INFO correspondent.

By December 2007, I trusted him enough to stop using the cutout we had agreed to, and consented to meet with him directly for discussions of our priority intelligence requirements. He provided limited insight,

▸ **"JOHN JACOB", continued on** page 9

Contradictions emerge in OPD report of Ramírez-Jiménez case

By Kate Savkovich and Nigel Weiss

In last month's article, "Ramírez-Jiménez documents raise questions about OPD killing," we discussed contradictory and suspect information in police files on the shooting death of Jose Ramírez-Jiménez by three Olympia police officers in November 2008. Thurston County Sheriff's Dept. Detective David H. Haller wrote a summary report of the files, concluding that Ramírez-Jiménez's actions had placed his shooters, Officers Charles "Chuck" Gassett, Paul Bakala, and Michael Hovda, in fear of their lives. This summary was forwarded to Thurston County Prosecutor Ed Holm for review, but Holm has thus far declined to open criminal proceedings against the three officers. In the article, we pointed out multiple date errors in Haller's report and uncovered evidence that the three shooters likely conferred with one another on the morning of Ramírez-Jiménez's death before making their separate statements to Haller.

Documents received after last month's article suggest the three officers may have also spoken with an attorney together before being interviewed for the investigation. A partly redacted record of legal expenses accrued by the City of Olympia shows a telephone call to the law office of City Attorney Donald L. Law that Bakala, Hovda, and Gassett may have been part of. Only the words "Hovda/Gassett/Bakala/Conference" can be read clearly in the description of the over two-and-a-half hour call to Law, but such a record, indicating the call occurred on the day of the shooting, should arouse suspicion and show the need for further explanation from the Olympia Police. At the time of writing, we were waiting for a follow up call from a spokesperson for the Olympia Police Department regarding the phone call to Law.

Disparities in Officer Accounts

Having looked previously at the ways in which Haller's summary doesn't necessarily match the case documentation, we now turn to problems within the case documents themselves. The most contentious issue that emerges from the shooting officers' interviews is the whereabouts of the female passenger of Ramírez-Jiménez's car at the time the officers opened fire on him. In his statement, Hovda says that she got out of the car, but he didn't handcuff her until after the shooting happened. Gassett and Bakala both say that they don't remember where she was at the time, Gassett distastefully adding that "she wasn't really my concern". Lacey Police Officer Sapinoso says that she was in the vehicle at the time of the shooting, but it was LPD Officer Aalbers who pulled her out afterwards; Aalbers says that he doesn't know who took her out but he thought someone did before or after.

Haller deals with these differences in witness accounts simply by saying it was "unclear at that time if she was inside the suspect's vehicle when the shots were fired." His report gives no hint that this lack of clarity stemmed from the fact that the officers' accounts contradict one another. In the primary witness' own statement (which, to Haller's credit, he does describe), she recounts that she was under police custody in the back of the squad car in handcuffs by the time the shooting began. If this is the true version of the story and she indeed wasn't in Ramírez-Jiménez's car when the shots were fired, then she was not in the danger that Haller's report alleges.

The Role of the Earlier Shooting

On top of these inconsistencies, there are problems at play in the course of events that led up to the shooting. Ramírez-Jiménez had been a suspect in an earlier crime at State and Wilson St. in Olympia, a non-lethal shooting by an unidentified person in a black Honda Del Sol (the same type of car Ramírez-Jiménez was driving when he was initially approached by police). According to Haller, "Based on witness statements, officers' statements and provable facts in this case, it appears the suspect was the same person who had shot the victim earlier on the 15th." While the police's suspicion of Ramírez-Jiménez's guilt in the earlier case is important for any investigator to take into account, as it influenced their perception of how big a threat he was and their ultimate decision to use deadly force, it does not answer why Haller goes further than merely noting the role this suspicion played and concluding that Ramírez-Jiménez positively was the perpetrator of the earlier shooting.

> If she indeed wasn't in Ramírez-Jiménez's car when the shots were fired, then she was not in the danger that Haller's report alleges.

As Haller has not responded to our calls, we can only speculate on the vague references he makes in his unofficial indictment of Ramírez-Jiménez in the earlier shooting. He first mentions "witness statements." The only information gleaned from eyewitnesses was that the suspect was an "Asian or black male," according to police logs, and that he had been driving a black Honda Del Sol. At the time, Hovda pulled up numbers indicating that there were 109 Honda Del Sols registered in Washington, 60 of which were black in color, and only two of which were registered in Thurston County (one red and one green). Based on that information, there could have been one black Honda Del Sol in Thurston County at the time, or there could have been 60. In the case file, however, a copy of the registration for Michelle Muschke's car (the vehicle Ramírez-Jiménez had been borrowing when he was killed) shows that the car was registered in Lacey, meaning that there was in fact at least one black Del Sol registered in the county, contrary to Hovda's information. Regardless, it seems the numbers didn't matter much to the officers anyway or they would have been more persistent in finding the other black Del Sols in the state and racially profiling their drivers (and if we're really going to go there, then let's be clear: Ramírez-Jiménez was neither black

▸ **RAMIREZ-JIMENEZ, continued on** page 11

WORKS IN PROGRESS

Works In Progress is a free, volunteer-operated progressive community newspaper based in Olympia, Washington. Opinions expressed do not necessarily reflect those of *Works In Progress* and are solely those of the authors.

Submissions
Please send text as Word attachments. Artwork and photos can be sent electronically or we can scan them for you as camera-ready/black & white.
We value well-researched pieces that cover news stories that would be informative to readers in the South Sound. We value news and analysis over opinion pieces. We value stories by local authors. We value submissions on stories that are misrepresented or ignored by mainstream media.

WIP reserves the right to publish in whole or part all submissions. For editing purposes, please enclose your phone number.

Articles may be reprinted. Please cite source.

If you don't see your issue being covered in Works In Progress, *it's because you aren't writing about it! (Or aren't finding someone else to cover it!)*

Send submissions to *olywip@gmail* or mail to Works In Progress, PO Box 295, Olympia, WA 98507-0295.

Governing Tool
The following statement is part of the Editorial Policy and is the governing tool for the Anti-Discrimination Clause:

WIP *will make every effort to work with the contributor of material considered by* WIP *to be offensive in order to reach a mutually agreed upon resolution, but* WIP *reserves the right as a last resort to edit or not print submitted material.*

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Mission Statement
"Our aim is to confront injustice and encourage a participatory democracy based on economic, social, and environmental justice. *Works In Progress* is dedicated to providing a voice for those most affected by the exclusionary and unfair practices that seek to silence the oppressed."

Anti-Discrimination Clause
We will collectively endeavor to be sensitive and respectful to all those oppressed in this society, and their issues. However, if and when we should make a mistake in this regard, we expect to acknowledge it and to express regret for injury or insult given.

Back Issues
Some back issues are available in the Timberland Library system. *WIP* is being archived on microfilm by the UW Library.

"Imagine a person filing for bankruptcy claiming that he could not repay his debts because he had the astronomical expense of maintaining at least 737 facilities overseas that provide exactly zero return on the significant investment required to sustain them... He could not qualify for liquidation without turning over many of his assets for the benefit of creditors, including the valuable foreign real estate on which he placed his bases." *Bankruptcy attorney Jay Barr on U.S. military bases around the world.*

WIP Schedule

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ANNOUNCEMENTS/EVENTS

Olympia POWER Outage - Baseball Game and Picnic

Aug. 3, 5:30-8 p.m., Lions Park, 800 Wilson St. SE

POWER Outage is a monthly get-together in Olympia for POWER (Parents Organizing for Welfare and Economic Rights) and community members. It happens on the first Monday of each month, starts at 5:30 p.m. with a potluck meal, and ends at 8.

Children are always welcome. We will have on-site childcare and activities for the whole family.

In August, POWER Outage will be held at Lions Park. Join us at this lovely eastside Olympia park for a rousing, yet gentle ball game and picnic. Bring whatever baseball supplies you have and a picnic dish to share.

Nuclear Abolition: Yes We Can Remembering Hiroshima and Nagasaki, Resisting Trident

Aug. 8-10, Ground Zero Center for Nonviolent Action,, 16159 Clear Creek Road NW, Poulsbo, 98370

The arrival of the 38-day "Trinity to Trident Interfaith Peace Walk" and the dedication of a new building will be featured at the Ground Zero Center for Nonviolent Action on Aug. 8. In addition, a phone hookup will connect Ground Zero participants to members of the interfaith Journey of Repentance in Hiroshima, Japan. Guest presenters for the three-day Hiroshima/Nagasaki gathering include Shelly and Jim Douglass, co-founders of the Center, Vietnam veteran Brian Willson, and Charlie Meconis, an expert on nuclear weapons. There will be a nonviolent direct action at the gate(s) of Sub Base Bangor early Monday morning.

The weekend's entertainment includes The Raging Grannies, Living Newspaper Theater, and folk singer/storyteller, Tom Rawson.

For 32 years, the Ground Zero Center for Nonviolent Action has been engaged in education, training in nonviolence, community-building, and action toward a world without nuclear weapons. The August 8-10 weekend theme is "Nuclear Abolition: Yes We Can."

The Trinity to Trident peace walkers began their trek at Los Alamos, New Mexico on Sunday, July 6, gathering support along the way for the 2010 Nonproliferation Treaty Conference at the United Nations. Los Alamos, the site of the first Atomic bomb test, was followed by a visit to Lawrence Livermore National Laboratory in California. Nonviolent people along the way, "spiritually motivated to reclaim the future," are welcome to join the walk for a few miles or days.

Shelley and Jim Douglass began the Trident campaign in 1977, building on actions of the Pacific Life Community at the Bangor Trident Base. A purchase of 3.8 acres adjacent to the base formed a center from which the Ground Zero Center began educating and acting on the elimination of nuclear weapons at the base. Both are writers, and Jim's latest book is JFK and the Unspeakable: Why He Died and Why It Matters.

Brian Willson, Vietnam veteran and attorney, became an international symbol of nonviolent resistance when he was run over by a U.S. Navy munitions train in Concord, California. Continuing ever since to confront first world policies that control resources, Willson and his partner, Becky Luening, are living a life of and educating about local economic self-reliance.

Charlie Meconis, an expert on Pacific Ocean naval activities, will facilitate a Planning For the Future session on Sunday morning, August 9, at the Ground Zero Center.

All or any part of the three day gathering at the Ground Zero Center for Nonviolent Action, at 16159 Clear Creek Road NW, Poulsbo, WA is open to members of the public interested in the nature and practices of Nonviolent Action.

For more information, call Sue Ablao or Jackie Hudson, 360-377-2586, or Anne Hall, 206-545-3562, or email info@gzcenter.org, or visit www.gzcenter.org.

Volunteers Needed for Global Healthcare Support

Aug. 15, 9 a.m.-1 p.m., 2601 Willamette Drive NE, Suite G, Lacey , 98516 (Near Shipwreck Beads)

Come help make healthcare a global reality. Volunteers are needed to sort and package surplus medical supplies for shipment to charitable healthcare organizations in economically developing countries. For just three hours a month you can help improve the lives of people all around the world. No experience or medical background is needed -- training will be provided. Come join us for the next sorting party on August 15.

CHUMA International (Catholic Health United for Medical Assistance) practices global solidarity and environmental stewardship by ensuring that useful medical supplies and equipment are shared with charitable healthcare organizations in economically developing countries.

Volunteering opportunities are also available Monday-Friday 7:30 a.m. to 4 p.m.. Evening and other hours are available with advanced notice. Contact CHUMA International at 360-493-5641 or raymond.reyes@providence.org for more information.

For safety reasons, volunteers need to be at least 14-years-old.

How We Heed the Cry of the Poor: An Interfaith Forum

Sept. 12, 1-4:30pm, St. Benedict's Episcopal Church, Lacey

Within all faith communities is a teaching about "heeding the cry of the poor," and in the context of the depressed economy and widespread cuts to health care and social services, the need for faith communities to help weave a safety net within our community only increased.

On Sept. 12, representatives from all faith communities in Thurston County are invited to attend a forum, in order to discuss the services we individually and collectively provide, with the hope of discerning together ways we might strengthen this safety net. In preparation for the forum, faith communities are asked to fill out a questionnaire describing their current efforts within the community. These questionnaires will be compiled and the results shared at the forum. If you have questions, or want to know whether a faith community you are connected to has filled out the questionnaire, please contact: faithcommunitiesnetwork@gmail.com

Olympia POWER Legislative Planning Discussion

Sept. 7, First United Methodist Church, 1224 Legion Way SE

The legislative session starts in January, but now is the time to have a conversation about our priorities and strategies. Join us to learn more about the legislative process, how you can get involved, and tell us what you want to see your lawmakers do toward ending poverty.

POWER (Parents Organizing for Welfare and Economic Rights) is an organization of low-income parents and allies advocating for a strong social safety net while working toward a world where children and care giving are truly valued, and the devastation of poverty has been eradicated.

For more information, contact POWER: 701 Franklin Street SE Olympia, WA 98501; 360-352-9716 toll free 866-343-9716; welfarerights@riseup.net; oly-wa.us/power/; myspace.com/parentsorganizing; facebook.com/pages/Parents-Organizing-for-Welfare-and-Economic-Rights/

EcoNvergence - Northwest Gathering on the Economic and Ecological Crises

Oct. 2-4, First Unitarian Church, 1035 SW 13th Ave. Portland, OR 97205

This October, internationally known speakers such as keynote speaker Noam Chomsky will join academics, activists, and others from the Northwest in Portland, Oregon to explore the way forward out of the twin crises challenging humanity. The gathering will be hosted by the First Unitarian Church of Portland whose ministries have a long history of aiding campaigns promoting social justice and environmental preservation. The Conference is being organized by participating organizations from a variety of sectors. For a full list of participating organizations, email econvergence.program@gmail.com.

Environmental, labor, human rights, student, peace, and community organizations are all invited to contribute to the event. There will be dozens of panels and workshops each day exploring how we can make positive changes within our communities as part of a national process to respond to the current economic and ecological crises.

If you would like to be a part of this exciting event by hosting a panel or workshop, we invite you to submit a proposal for consideration. If you would like to get involved in the conference planning process as an individual or a participating organization, please contact econvergence.program@gmail.com.

A guide to the upcoming Oly City Council primary

WIP News Service

As the divisive struggle over the rezone of the isthmus fizzles into irrelevancy due to the Shoreline Master Program Amendment's rejection by the state Department of Ecology (see next page), Olympia voters will soon have an opportunity to express their wishes at the polls as ballots for the August 18 primary were mailed July 31. There are three candidates in several key races. While the outcome won't be decided in the primary, who makes it to the general election may matter.

In a broader City Council review, we are stuck with Mayor Doug Mah and Councilmembers Rhenda Strub and Craig Ottavelli for the next two years and we face the possibility of a nightmare: wildly pro-development council. If Amy Tousley, Joan Machlis, Jeff Kingsbury and Tony Sermonti were to win the open positions. WIP believes a council like this could utterly destroy this town.

If this election cycle balances Strub, Mah, and Ottavelli with the election of either Karen Rogers or Karen Veldheer in Position 4, Stephen Buxbaum or Janine Gates in Position 5, Jeannine Dellwo Roe in Position 6, and Joe Hyer in Position 7, then Olympia will have a diverse and balanced City Council.

Running for City Council Position #4

Position #4, vacated by the departing Karen Messmer, is being sought by three candidates: Planning Commission chair, Amy Tousley, who is supported by several developers, Karen Veldheer, the Cooper Crest resident who has developed into a neighborhood leader and consumer protection advocate in recent years, and Karen Rogers, rules coordinator for the Liquor Control Board. In this race, voters can choose between a business-as-usual, pro-development candidate who has a proven track record of disregarding public input (Tousley), and two candidates who oppose development of the isthmus and promise to be more responsive to public concerns. Follow the money.

Amy Tousely's top donors

Affordable Housing Council, $500 (Master Builders)

Paul Groven, $250 (Boeing Flight Instructor)

J. A. Morris Construction, $250 (owned by James Morris of the West Olympia Business Association)

Betty Bailey, $200 (retired RN)

Evergreen Olympic Properties Inc., $200 (realtors associated with Rants Group).

Karen Veldheer's top donors

Philip Schulte, $500 (PJ Homes, real estate management)

Clydia Cuykendall, $500 (attorney)

Mary Anderson, $400 (retired)

Bob Jones & Associates, $200 (management consultant)

John Bates, $100 (writer).

Karen Rogers' top donors

Jim Fox, $200 (state policy advisor)

Tim Rogers, $125 (management consultant)

Annette Cheltenham, $100 (no employment information – lives in Ashburn, Virginia)

Renee Gamborg, $100 (no employment information – lives in Silver Spring, Maryland)

Therezinha Jacobs, $50 (no employment information – lives in Silver Spring, Maryland).

City Council Position #5

In the race for Position #5, acerbic incumbent Jeff Kingsbury faces two challengers: environmental activist and blogger Janine Gates, along with Stephen Buxbaum, a sustainability advocate with 25 years of public service to his credit. In this race, as in the race for Position #4, voters will choose between a business-as-usual, pro-development candidate with a proven track record of disregarding public input (Kingsbury), and two candidates who oppose development of the isthmus and promise to be more responsive to public concerns. Show me the money:

Jeff Kingsbury's top donors

Affordable Housing Council, $2000 (Master Builders)

Rene Ries, $1000 (local business owner)

J. A. Morris Construction, $750 (owned by James A. Morris of the West Olympia Business Association)

MPH Holdings, $750 (developer -- owned by Cheryl Morris, who lives at the same address as James A. Morris)

American Property Development, $500.

Janine Gates' top donors

John Bates, $1000 (writer)

Daniel Leahy, $350 (retired Evergreen professor)

Bethany Weidner, $350 (housewife)

Mark Bean, $300 (local business owner)

Molly Gibbs, $100, (peace activist)

Stephen Buxbaum's top donors

Joyce Kilmer, $500 (wife of candidate and public administrator for the State)

Cheryl King, $250, (Evergreen professor)

Lisa Vatshe, $250 (Washington State Department of Community, Trade and Development)

Thad Curtz, $200 (retired)

Don Freas, $200 (artist).

City Council Seat #6

Joan Machlis – appointed incumbent, business advocate, supports the Isthmus Rezone and development

Jeannine Dellwo Roe – Active with State Democratic Caucus, opposes the Isthmus Rezone and development

James Welling – Homeless advocate, filed initially, but did not complete filing with Auditor Office

City Council Seat #7

Joe Hyer – Incumbent office holder, business owner, outdoor enthusiast – weakly opposes the Isthmus Rezone and development

Tony Sermonti – Evergreen grad, works for the State Senate – supports the rezone and development.

Referendum 71 Signature Verification Process Underway

Washington Families Standing Together press release

According to the Secretary of State's Office, conservative organization Protect Marriage Washington has been collecting signatures in an attempt to repeal the Domestic Partnership Expansion Law of 2009, collecting sufficient signatures to meet the threshold for the Secretary of State to begin the process of signature validation. The group needs 120,577 valid signatures to qualify Referendum 71 for the November ballot -- only about four percent of the state's registered voters. The Secretary of State will scan all the petitions and by mid-week and then start verifying signatures.

According to WAFST, the outpouring of support by those offering to work against any attempt to repeal the domestic partnership law has been remarkable and shows no signs of stopping. In only eight weeks, a broad array of over 120 organizations – faith-based groups, labor unions, seniors, communities of color, children's organizations, firefighters, teachers, statewide and local groups – have joined the WAFST coalition dedicated to preventing the domestic partnership law from being repealed. While opponents of the law were using paid signature-gatherers in an attempt to repeal the law, over 40,000 people pledged to decline to sign the petitions to put Referendum 71 on the ballot, editorial boards all across the state urged voters to retain the law, and more than 85 clergy and congregations signed a faith statement in support of the domestic partnership law.

Since it is often the case that some petition signatures are not valid, members of WAFST will be keeping a close eye on the signature count. "We support the democratic process but if this law is repealed, thousands of families will be left without legal and financial protections, so we must take all prudent steps to make sure the process used is correct," said Friedes. "If the referendum does move forward we are prepared to wage a winning campaign and it will be made much easier because so many voters, fully 77 percent, according to the University of Washington poll, support legal recognition of gay and lesbian families."

The Domestic Partnership Expansion Law of 2009 is the third of three specific laws designed to protect domestic partnership rights. The signature validation process by the Secretary of State could take several days. If Referendum 71 does make it to the ballot, voters wishing to keep the domestic partnership law intact, would vote to retain it by voting "approve".

> This was the second attempt in the last three years by religious conservatives to repeal a law protecting gay and lesbian individuals.

The groups trying to repeal the domestic partnership law began collecting signatures immediately after the Governor signed the law in May, and although a referendum requires only half the signatures of an initiative to be placed on the ballot, the number of signatures collected appears to be barely enough to qualify, if all signatures are confirmed as being valid.

This was the second attempt in the last three years by religious conservatives to repeal a law protecting gay and lesbian individuals. In 2006, Tim Eyman led an effort with these same groups to collect signatures in an attempt to repeal the state's anti-discrimination law protecting gays and lesbians from job and housing discrimination. They failed to collect enough signatures to get that referendum on the ballot.

"The fact that this referendum may be on the ballot and that the law providing legal and financial protections for their families might be repealed would be very disheartening to the over 5,000 couples, many with children, who are registered with the state as domestic partners," said Josh Friedes of Washington Families Standing Together (WAFST). "The idea that people have to campaign to keep their rights and protect their families is just wrong. Washingtonians are good and caring people. They want to ensure all families are equally protected and do not want to see their neighbors hurt in this way."

Olympia Food Co-op
Join Our Staff Collective!
The Co-op accepts employment applications at all times, and hires successful applicants as openings arise.
Visit us at: www.olympiafood.coop

An interview with City Council candidate Karen Veldheer

Works In Progress: Tell us a little bit about your background. What experiences have you had that prepare you for serving as a councilmember?

Veldheer: I'm a small business owner and I have a Bachelor of Science in organizational leadership. I hope to bring a fresh perspective and new leadership to the Olympia city council. Also, I want to become a bridge between environmental concerns and the business community. I founded the Cooper Crest Neighborhood association where I live to bring my neighborhood together as a community and to help address development problems. I was elected to the steering committee of the Olympia Coalition of Neighborhood Associations, where I discovered there were many other neighborhoods who felt their concerns were not being heard by the city. I've also been actively involved in grass roots efforts at the state level to ensure home buyers in Washington state have the same rights as condominium buyers when buying a new home or undergoing a major remodel. My involvement with the City of Olympia has not been as an advisor, but as a citizen who has sought to make the city a better place to live.

What's the biggest environmental issue you see facing the city in the upcoming five to ten years?

Development and the impacts associated with growth to meet housing, job and transportation needs. The city of Olympia can and should ensure that development meets environmental standards and that we look for opportunities to use our resources wisely, while still providing a high quality of life for our citizens. Studies have shown that all these factors are causing the greatest strain on the environment. As a city councilmember, it is my great hope to address this issue from a regional perspective with our neighboring cities of Tumwater and Lacey, as well as Thurston County. No doubt for the City of Olympia, water management and control is a big issue. The city must provide adequate clean water to its citizens, and seek to control storm water runoff, which can negatively affect our ecosystem. Also, there is a question of rising sea levels and preventing future flooding.

Do you have ideas about how the city budget can be balanced during these challenging times, with falling sales tax revenues?

The city budget needs to be carefully scrutinized. I would look for ways to save money. I would suggest limiting travel and contracting expenses to only essential expenditures. I would examine staff ratios and see if management staff could be redeployed to other areas. I would see if administrative staff could be trimmed, and further I would review workloads of operating divisions, and propose adjustments where appropriate.

What city services would you consider untouchable as far as budget cuts?

Sound management practices means looking for savings in every operation. I believe the most essential city services are providing reliable utilities, which is water, sewer and trash pickup services, and public safety. If any of these services are compromised, the citizens' quality of life is severely affected. City management needs to ensure that these services are available.

What do you think about Olympia's downtown? Is it decaying, or is it a treasure?

I think there are many opportunities for future growth in Olympia. I do not see it as decaying, but I do see land that is not being used to its fullest potential. While ultimately it's up to the property owners, the city can help by providing information about the requirements that projects can meet. If there were particular problems that seemed to be delaying projects, I would encourage the city to hold seminars, develop manuals, or find creative ways to make the development requirements easier to understand and follow so our downtown can develop properly into its full potential.

You are opposed to high rise development on Olympia's isthmus. What kind of development do you think would be more appropriate?

I think we should encourage more multifamily housing in downtown and close-in areas, we already have the infrastructure and it makes sense from an environmental perspective, rather than developing more rural locations, and having to build utility capacity roads, schools, etc. I'd like to see one of the major state research universities, University of Washington or Washington State University consider a public policy institute for downtown Olympia. It would give students an opportunity to work with legislators, and state and city departments, and provide potential new employment. Also, this institute could provide continuing education opportunities for Olympia residents, guest lecturers, forums of all kinds, and space for community groups, etc. We are an informed, active group of citizens, and putting a public policy institute downtown would allow Olympia to become an intellectual center, where cutting edge ideas are developed.

There's been some discussion on the local blogs regarding your faith, and the possibility that it will affect your position on equal benefits for city employees with same sex domestic partners. What is your religious affiliation, and what influence will it have on your policy positions, specifically, on same sex partner benefits?

I support the city policy for equal benefits for same sex domestic partners. I am a member of the orthodox Presbyterian church and my religious faith will have no bearing on the decisions I will make as a civic leader on the Olympia city council. I believe in a separation of Church and State. Further, the state of Washington provides over 200 civil rights, many of which are very important to the Gay, Lesbian, Bisexual and Transgendered communities, and I support these laws as well.

What do you like best about Olympia?

I like the diversity and engaged citizens, how they're willing to take a stand for what they believe in. We had over 88 percent of registered voters vote in the last presidential election and that shows what an involved community this is. People are willing to try new careers, new ideas, and new ways to get the most out of life. Also, it's hard not to fall in love with the natural beauty and tranquility of this place we call home, whether it's Puget Sound, Mount Rainier, the Black Hills, or the Olympic Mountains. There is no other Capitol city like this. I think we all care for it and want to preserve it for future generations.

What inspired you to run for Olympia City Council at this particular time?

I decided to run based on my experiences as a grass roots organizer, and what I saw as a need for change in direction for the City of Olympia. I founded the Cooper Crest Neighborhood Association after finding that the city did not enforce its subdivision standards and that other neighborhood associations and groups felt their needs were not being properly addressed either. As a small business owner, I will bring a different viewpoint about government spending, especially proposed capital spending projects that are approaching $100 million. We are in a recession, and the city needs to be conservative in its spending, and not leave Olympia heavily indebted for years to come. Most importantly, neighborhoods and citizens want to be heard and trust that their leaders are making decisions that are in the best interest of the majority of people in Olympia. My campaign is financed exclusively by local citizen contributions so I am beholden to no one except the people. I believe the citizens of Olympia want change in a new direction for our city. I hope to be that voice and represent all of Olympia on the city council, if elected.

What distinguishes you from the other two candidates running for position No. 4, Amy Tousley and Karen Rogers?

I come from a business background. My father was a real estate broker for over 30 years, and my husband and I own two small businesses. One of these businesses is Reworks Homes and deals primarily with residential income property and real estate

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State Ecology rejects isthmus rezone plans

by Janet Blanding

A public records request submitted by activist Thad Curtz has revealed that the Washington State Department of Ecology has rejected the Shoreline Master Program Amendment necessary to proceed with the rezone of the isthmus. After all the wrangling over the isthmus rezone and development, which was so divisive to the public and so dear to the hearts of most councilmembers, it appears that the attempts to push through the development plans for the Isthmus may have been in vain.

From Thad Curtz's post on Olyblog:

"Ecology says that the proposal violates three out of its seven legal guidelines for when it's permissible to change an SMP through a limited amendment.

"Among other things, those say that you can't change your SMP through a limited amendment if 1) the changes represent 'a significant modification to shoreline management practices ... or significantly add, change, or delete use regulations;' or 2) there are 'substantive issues that must be addressed on a comprehensive basis... such as ... major use conflicts, or public access;' or 3) 'The current master program and the comprehensive plan are not mutually consistent.'

"The first two seem pretty clear. The point of the third one, as Ecology expressed it in the analysis accompanying its letter to the City, is that the Shorelines Management Act 'requires that other local plans, regulations, ... and ordinances for land adjacent to SMA shoreline jurisdiction be assessed to make sure use policies for that land are consistent with the SMA policy ... Guidelines ... and the local SMP, not the other way around.' Basically, Ecology says that the City's limited amendment 'represents "uncoordinated and piecemeal" development of the state's shorelines in direct conflict with the fundamental purpose of the Shoreline Management Act.'"

Interestingly, Curtz reports that not everything he requested via public records request was passed along. WIP made a similar public records request, asking the city for all communications between the Department of the Ecology and the City of Olympia during the time period immediately after the Department of Ecology rejected the SMP amendment. This request was made to determine if the City of Olympia, elected officials, staff or employees have threatened to sue the Department of Ecology if the SMP amendment, necessary for the rezone, was not approved.

The City of Olympia has usually responded promptly to WIP requests such as this one, but the City may be dragging its heels because the requested records regarding Ecology was not available after the August WIP deadline. Whether the delay indicates the City is hiding something, delaying release of the requested material for political reasons, or merely reflects staffing problems in this time of cutbacks is unknown.

What is certain, however, is that taxpayers will *not* be pleased to pay for one branch of government to sue another, over something most of them don't even want – the rezone. We need every penny, at both the state and the city levels, to pay for essential services, not lawsuits.

Lights and Sirens: News from the police state

WIP News Service

Local activists have identified a Fort Lewis military employee as an infiltrator of local activist groups in the Puget Sound region. The man, John Jacob Towery II, was known as John Jacob in his undercover identity in activist groups. (See pages 1 and 9 for more details.) He also went by the name "Agent Orange" and used that identity for email communication. The scope of his work is not completely known at deadline, but it has brought questions from attorney Larry Hildes in his defense of Amory Ballantine et. al. regarding possible violations of his clients' rights and the Posse Comitatus Act.

Lewis County Sheriff Steve Mansfield is under investigation by the Washington State Patrol for possibly harboring a runaway girl and possibly hiding this girl when his own deputies knocked on his door and inquired as to her whereabouts. Sheriff Mansfield has pledged transparency and has failed to return calls or answer questions from the local paper regarding the events. Sheriff Mansfield has also pledged that after the Washington State Patrol investigation is complete he will launch an investigation to find out who is behind triggering the State Patrol investigation.

Olympia Copwatch reports that Attorney Don Law has billed the City of Olympia $103,376.61 for defense work in the following cases:

1.Mosqueda v. PDR/City of Olympia related to police actions at the Port of Olympia on Nov. 11, 2007

2.The arrest of David Lynch for raping a young girl in her home (another man has since been convicted for this crime)

3.The police killing of Jose Ramirez-Jimenez on Nov. 15, 2008

Regional News

Washington State Department of Transportation gave a 72-hour notice to residents of "Nickelsville" on July 20th. "Nickelsville" is a homeless encampment on a four-acre property at Second Avenue SW and West Marginal Way in South Seattle owned by the State. State Transportation Secretary Paula Hammond stated, "We have been in communication with camp organizers and residents to plan an orderly process for them to leave the site. We expect people to begin moving today and we'll be on site with the Washington State Patrol first thing in the morning to help relocate any remaining residents." It is not clear where the homeless residents will be calling home next, but the authorities appear set on getting the residents on the move. For the past six weeks, the state has worked closely with King County, the City of Seattle, the Church Council of Greater Seattle and the Lutheran Public Policy office of Washington State to develop a long-term solution for the members of the encampment. Details of the long-term solution were not available by deadline.

Security planners for the 2010 Winter Olympics in Vancouver, British Columbia have refused to rule out the use of agents provocateur to incite protestors to commit illegal acts. Corporal Jen Allen of the 2010 Integrated Security Unit has pledged that the Canadian laws and values will be respected. Robert Holmes, president of the B.C. Civil Liberties Association, has reported that he received a similar response when he raised the issue with the ISU. Video posted on YouTube showed three undercover officers attempting to incite violence at the North American Leaders' Summit in Montebello, Quebec in August 2007. Quebec provincial police later admitted that three of its officers posed as protesters, but denied they were agents provocateur. Maybe they just got carried away. (no2010.com for details)

Walla Walla Sheriff's Office with help from Washington National Guard and other law enforcement agencies are eradicating 70,000 to 80,000 marijuana plants in the same area where about 40,000 plants were earlier located leading to the arrest of three people on June 16. Kittitas County Sheriff's Office with help from Federal and State investigators report seizure of about 9,500 marijuana plants, fertilizer, cultivation tools in the Teanaway area northwest of Ellensburg. No persons were arrested. Everybody feel safer now?

▸ **CANDIDATE** continued from page 4

networking. Our second business is an e-commerce internet mall that sells green products. My background is not that of a government appointed advisor, but that of a grass roots community leader and organizer.

I am self-motivated and I get things done. I am patient, persistent, and willing to consider all points of view before coming to a decision. I want to see more neighborhood associations in our city actively involved in city planning and policy making.

I have been endorsed by Sen. Karen Fraser, Rep. Brendan Williams, County Commissioner Sandra Romero, Tumwater City Council Member Ed Stanley, and the group Citizens for Responsive Local Government. I think these endorsements speak very clearly to my qualifications as a candidate for Olympia City Council.

How's the campaign going? Is the experience of being a candidate what you expected, or has it surprised you?

What surprised me somewhat is how gracious and kind Olympians are when I come to their door, frequently at inconvenient times – sometimes as they're eating dinner. This shows what kind of community we have. The experience of being a candidate is like building a business from scratch, with lots of long hours, and high hopes that you can get your message across to citizens. It is essential to have a good team helping you, and to be willing to work long and hard. I am very pleased at how my campaign is progressing, and it helps to have a campaign strategy to guide the effort.

If elected, what would you most like to accomplish as a councilmember?

My first priority will be to examine the city budget, and determine how we can compensate for declining revenues. The city manager has stated that sales tax revenues are down 8.4 percent, business and occupancy taxes are down 10 percent, and excise taxes (related to home sales) are down an astonishing 75 percent. We must carefully review every major city expenditure and department, so that we can balance the budget given these severe revenue shortfalls. Next, I would look carefully at capital spending which has dramatically increased this year. There was the decision to build a new city hall, complete three major road projects, the Hands-On Children's museum, necessary investments to preserve Percival Landing, which is the cornerstone of our downtown area. There is a possible parking garage, acquiring the Artesian well site, investment on the isthmus, and the list goes on and on. We should not pursue everything at once, thus leaving the city heavily indebted. Also, I will work hard to restore the trust and confidence of citizens. I would provide office hours for citizens, and attend local meetings so that I can hear their concerns. I want citizens to know I will listen to them and consider their points of view when using my judgment to make decisions in the long term interest of Olympia. People may not always agree, but everyone should and must be heard, and their point of view considered in a thoughtful way.

Advanced technology and social change

by Rhonda Fabert

Although sustainability advocates often distrust technology because it can be used as a tool to dominate, the opposite can also be true. Technology may act as a guide to overcome traditions of domination and replace them with a more accurate, compassionate paradigm. Technology gives us the tools to question and examine the patriarchal system that values mastery of nature. The more practiced we become at looking through the lenses of justice and compassion, the more technologies will be created to support such a perspective, and the easier it will be to change our value system from one of violent domination to peaceful cooperation.

Technologies that are transforming our traditional view of ourselves as destined to dominate include anthropological studies, nutrition studies, food science and climate change studies. Anthropological studies indicate where we've been and why we may have become preoccupied with mastery paradigms rather than cooperative paradigms. Nutritional studies indicate our diets don't require animals to be killed for consumption and that whole-foods, plant-based diets can even reverse the incidence of lifestyle-caused diseases. Food science allows creation of foods with familiar textures and flavors but that do not subscribe to the master mentality. Studies on climate change expose the destructiveness toward the planet our desire for mastery has wrought providing the insight necessary for change.

In *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory*, Carol Adams brings to our attention several unquestioned presumptions -- called the patriarchal texts of meat -- about the consumption of animal flesh that create the acceptance of violence toward animals. Scientific theories have traditionally been chosen and interpreted in ways that support those texts yet can and are beginning to change. One of the patriarchal texts of meat is that early hominids were hunters. This text is illustrated in the anthropological tradition that suggests early humans depended on hunting to increase cognitive capacity, social skills, and technological skills yet fails to present more recent studies suggesting alternative explanations.

An alternative theory is that fire allowed early humans to cook grains and other starches, which would have created food sources of higher nutrient density and, also, the greater caloric density needed to support more intensive brain function, said Jeff Novick, MS, RD in a personal interview. Another theory that differs from the patriarchal text is that early humans became more adept with technology and developed social skills out of a desire to defend themselves from large predators (for which early humans would have been a source of prey), suggested by Barbara Ehrenreich in her book, *Blood Rites: Origins and History of the Passions of War.* According to Ehrenreich, the scenario of "man the hunter" dragging a bloody carcass home to the family is not realistic when considered in an environment filled with predators such as saber-tooth cats. More likely, early humans developed weapons as a means of self-defense, rather than hunting, and developed a repertoire of social tools that allowed for cooperative efforts toward survival of the group in face of the threat of hunters of humans. Ehrenreich also suggests that our primal fear of becoming prey may be the driving force behind our current drive to dominate nature, other animals, and each other. Self-defense may well have required the cooperative and technological skills necessary to develop modern cognitive complexity. At some point those social and technological tools developed out of self-defense were turned outward as violence against the "other."

As humans have created a separate category for ourselves in relation to the rest of nature, these attitudes of mastery and violence became institutionalized in the form of religions, governments and even our language. In *Speciesism*, Joan Dunayer makes the point that we have become so separated that it is difficult for even Animal Rights activists to find language that adequately heals the rift:

"Usage that excludes humans from animalkind maintains a moral divide between humans and other animals. Rather than speaking of 'humans and animals,' I speak of 'humans and nonhumans'.

"Even the word nonhuman divides all animals into two, seemingly opposed categories: humans and everyone else. With equal validity we could categorize all animals as robins and nonrobins. Still, nonhuman animal (nonhuman for short) avoids limiting animals to nonhumans. Also, for now we must speak in terms of humans and all other animals because all other animals lack legal rights."

Scientific studies of our culture and language illuminate a synthetic divide between humankind and nature. Acknowledging and naming these beliefs and practices is a step toward confronting and correcting the gap.

A second area of advanced technology -- nutritional studies -- challenges the patriarchal text that holds meat as a necessary and natural part of a healthful diet. In their 2009 position paper on vegetarian diets, the American Dietetic Association states:

"[A]ppropriately planned vegetarian diets, including total vegetarian or vegan diets, are healthful, nutritionally adequate, and may provide health benefits...including lower blood cholesterol levels, lower risk of heart disease, lower blood pressure levels, and lower risk of hypertension and type 2 diabetes. Vegetarians tend to have a lower body mass index and lower overall cancer rates. Vegetarian diets tend to be lower in saturated fat and cholesterol, and have higher levels of dietary fiber, magnesium and potassium, vitamins C and E, folate, carotenoids, flavonoids, and other phytochemicals."

Advanced technology has dispelled the myth that killing animals is a necessary evil needed to preserve human health. In addition, Milton R. Mills, MD, has compared the anatomy of omnivores, herbivores, and carnivores showing the human digestive tract most closely resembles that of a committed herbivore. He states that while humans are described as omnivores, custom and training are confounding variables in making a determination based on observation. Comparing anatomy is a more objective technique. Science, once again, debunks the naturalness of this destructive aspect of tradition.

Once it is determined a whole-foods, plant-based diet will meet human nutritional needs, the technology of food science can help make the transition to a more peaceful palate focused on plant foods by offering familiar flavors and textures. Soy, especially, is successfully utilized to create meat and dairy analogues. While some might feel that soy is not a healthy choice, Brenda Davis, RD, points out scientific evidence that claims health risks such as increased risk of breast cancer, thyroid function problems, and mental deterioration show that soy may be beneficial in each of these areas and is safe, especially in moderation. Of course, the calorie and nutrient density should be monitored in any food with the former minimized and the latter maximized in relation to the natural state of a particular food.

There are a number of local businesses that offer healthy vegan options. A healthy alternative to dairy ice cream is Luna & Larry's Coconut Bliss, made with organic coconut milk and sweetened with agave syrup (a low-glycemic index sweetener) rather than sugar. It's regional so that transport to this area is minimal and sustainable. Another local business offering healthful alternatives to animal-centric meals is the Hillside Quickies Café in the University District of Seattle. Hillside Quickies uses seitan, tofu, and tempeh as a base for delicious wraps and sandwiches. Tofu and nutritional yeast are a base for their Mac and Yease dish and they created other cruelty-free alternatives for traditional comfort foods. Another sustainable business new to the Seattle landscape is Thrive, an organic raw foods restaurant. The advanced technologies of food and culinary science provide many tasty and healthful alternatives in support of a nature-friendly and peaceful lifestyle.

> Advanced technology is showing how choices based in a dominator mentality are destroying the environment and creating a toxic place for us all to live.

Advanced technology is showing how choices based in a dominator mentality are destroying the environment and creating a toxic place for us all to live. Traditional lifestyle choices: to eat meat, to use personal vehicles rather than bikes or public transit, and to otherwise consume more resources than the planet can support are easy to change and would be an important key to adopting a more cooperative rather than mastery-focused way of being.

According to the U.N. News Service in their article "Rearing cattle produces more greenhouse gases than driving cars", meat and dairy consumption poses significant environmental risk as livestock continues to be one of the most dangerous causes of global warming, water pollution and land degradation. Additionally, the Intergovernmental Panel on Climate Change suggest lifestyles in developed countries contribute disproportionately to climate change. They suggest the world population cooperate in curbing consumption levels by not eating meat, by riding bikes, and by reducing, reusing, and recycling.

When the problem of population comes up, poor people of developing countries are often blamed for having so many children. From an environmental perspective, focus on population control in poor countries is less relevant than consumption control of those in developed countries as well as to prevent consumption habits of developed countries from permeating developing countries. People in the developed world have a consumption rate 32 times as great as people in developing countries according to scientist and author Jared Diamond.

The potential for advanced technology and science to help remediate the problems caused by a tradition of dominance is clear. The problem lies in motivating individuals and entire societies to change habits and lifestyles. Further studies on the impact of lifestyles on health and environment might help as well as technical innovations that might allow animals to tell their stories in their own words.

Advanced technology has the capacity to gauge consequences of past and present actions and to predict the outcome of various actions in the future of our planet and our own future. The question remains whether we evolve individually and culturally to address the problems our lifestyle choices have created. In *The Death of Nature: Women, Ecology and the Scientific Revolution,* Carolyn Merchant calls for the return to a paradigm that views nature as a living organism. The current mechanistic paradigm appears during the Scientific Revolution as a relatively recent influence. Currently, there's a trend toward mourning the holistic natural "world we have lost." In *The World Peace Diet: Eating for Spiritual Health and Social Harmony*, Will Tuttle writes:

"Because of our culturally inherited behavior of abusing the animals we use for food and ignoring this abuse, we are exceedingly hesitant to look behind the curtain of our denial, talk with each other about the consequences of our meals, and change our behavior to reflect what we see and know. This unwillingness is socially supported and continually reinforced."

Yet humans have demonstrated the capacity to change, individually and culturally. India, unlike the west, maintained connection with nature throughout the Scientific Revolution. Anthropologist and human rights researcher Shiv Visvanathan writes in his article "Progress and Violence" that India has already been able to create change based on a kinship with nature:

"...in India 'a whole people who were once meat eaters gave up taking animal food to cultivate the sentiment of universal sympathy for life, an event unique in history.'"

While that kind of change may be unique in history, India has set a precedent the U.S. would be wise to follow. Alterations in personal lifestyle as well as societal policies are needed. Human will drives the development of technology, as well as the interpretation of its role. Ultimately, it is we who will determine whether or not a paradigm shift will occur.

Rhonda is vegan, a public transit enthusiast, thrift store shopper and potluck organizer for the Olympia Vegan Potluck Society.

Who, exactly, is targeting whom?
Christian Pharmacists Try to Convince the Judge They're Oppressed

by Janet Blanding

Have you ever wondered about the "Christian Persecution complex"? After all, they've been in control of most of the world for a pretty long time. As comedian Jon Stewart said, "Does anyone know...does the Christian persecution complex have an expiration date? Because...uh...you've all been in charge pretty much since...uh... what was that guy's name?...Constantine. He converted in, what was it, 312 A.D. I'm just saying, enjoy your success."

Why should the religious group that has long enjoyed a plurality in our culture feel persecuted? After all, we're the ones traipsing from pharmacy to pharmacy, looking for a dose of contraception. And some of the boycotters are Christians, too! Who wouldn't love those Christians? It doesn't seem to make any sense. In investigating the status of Ralph's Thriftway Pharmacy's lawsuit against the state of Washington, however, I've discovered a possible advantage to these peculiar beliefs -- it appears that delusions of religious persecution can be helpful to your legal strategy.

Dispensing medications doesn't seem to have much to do with religion, does it? The controversial Pharmacy Board rules adopted in 2007 simply state pharmacies have a duty to deliver medications in a timely manner.

Seems pretty neutral, right? But Ralph's Thriftway Pharmacy in Olympia had not been delivering all medications in a timely manner – notably, at the behest of the owners, Plan B emergency contraception was not stocked, and therefore could not be dispensed in the pharmacy. Apparently, owner Kevin Stormans and other family members who share ownership of Stormans Inc. feel that these pharmacy rules are all part of a vast, anti-Christian conspiracy. The state, the governor, the Pharmacy Board, and all those pesky women with signs outside their store were targeting them because they're Christians – their refusal to stock birth control for "moral" reasons was just an excuse to persecute them for their religious beliefs. With the assistance of a Seattle law firm, Ellis, Li & McKinstry, and the Arizona-based Alliance Defense Fund (ADL), a sort of right-wing ACLU, Stormans filed a lawsuit against the state of Washington in federal court, alleging that the new pharmacy rules restricted their freedom of religion.

Who's Who?

To begin with, who's who in *Stormans v. Selecky*?

Stormans is the family that has owned Ralph's for several generations. Every pharmacy in Washington state is a corporation, and since it can be legally tricky to claim that a corporation has First Amendment rights, such as the right to freedom of religion, the lawsuit claims it's the Stormans themselves, as individuals, whose religious freedom has been infringed by the state telling them they need to carry all forms of commonly used birth control in their pharmacy. Stormans is joined in the suit by two women, who are apparently the only two pharmacists out of the thousands in Washington state who share the Storman's confusion that Plan B is an abortifacient, (a form of abortion instead of contraception), Rhonda Mesler and Margo Thelen. Selecky is Mary Selecky, the Secretary of the Washington State Department of Health – she is just the first in a list of defendants which includes other Department of Health administrators, Pharmacy Board members, and Marc Brenman and Yvonne Lopez Morton of the Washington State Human Rights Commission.

> The truth doesn't advance the plaintiffs' theory that it's all about persecution.

The lead attorney for the Stormans is Kristen Waggoner of Ellis, Li and McKinstry, a 1997 graduate of Regent University Law School (founded by televangelist Pat Robertson), who undoubtedly shares in the Christians-are-persecuted-because-we're-Christians worldview. Additional support is being provided by the Alliance Defense Fund, a group which, according to its website, provides strategy, training, funding, and litigation support in the areas of "Sanctity of Life" (restricting access to birth control and abortion), "Marriage and the Family" (suppressing the civil rights of the GLBT community), and "Religious Freedom" (breaking down the separation of church and state). Several attorneys I spoke to about Stormans v. Selecky suspect that all their legal fees are being covered by the anti-choice movement, who hope to see a precedent set which will restrict states from setting rules that ensure patient access to emergency contraception.

After the plaintiffs filed suit, a group of what are termed "defendant-intervenors" joined the suit. These defendant-intervenors are five people, represented by Legal Voice (formerly Northwest Women's Law Center), Planned Parenthood, and Seattle law firm Orrick, Herrington & Sutcliffe, who have either been refused or fear being refused emergency contraception or HIV medication if the plaintiffs' suit prevails. The intervenors represent the many people who stand to have their health care compromised if the pharmacy rules are invalidated.

The local women and men who boycotted Ralph's, as well as the 12 women who filed complaints with the Board of Pharmacy, are not parties to the suit, although some are named as witnesses. It's the state agencies, the one that promulgated the rules to ensure patient access to Plan B and other drugs (the Department of Health), and the one that's responsible for preventing discrimination against women (the Human Rights Commission), that are targeted by the suit.

What's What?

In the U.S., as part of our system of checks and balances, one role of the judiciary is to provide oversight to the legislative branch of government. The courts, in essence, test laws to ensure that they don't violate the constitution. In *Stormans v. Selecky*, the plaintiffs claim the Pharmacy Board rules violate their constitutional right to freedom of religion. The day before the new rules took effect, July 25, 2007, the Stormans filed a lawsuit asserting the violation of their right to freedom of religion. They also filed a request for a preliminary injunction which would protect them from disciplinary action for their noncompliance with the rule while the trial was pending. (And let me tell you, at the rate the legal process is moving, that trial is going to be pending for a very long time.)

Stormans got lucky with the judge assigned to the case. The case went to Judge Ronald B. Leighton, who was appointed to the federal bench by George W. Bush in 2002. Judge Leighton found that "the evolution of these [pharmacy] regulations, as currently described to the Court, convinces the Court that these regulations targeted the religious practices of some citizens and are therefore not neutral." He also found that "the regulations appear to target religious practice in a way forbidden by the Constitution... because the regulations appear to intentionally place a significant burden on the free exercise of religion for those who believe life begins at conception, the regulations must be subjected to strict scrutiny analysis."

In addition, Judge Leighton not only granted the preliminary injunction requested by the plaintiffs, he broadened it – not just Stormans, Mesner and Thelen are immune to discipline for their noncompliance with the pharmacy rules (with respect to Plan B) while the trial is pending, so is every pharmacy in the state! During oral argument before the Ninth Circuit Court of Appeals, Judge Kim Wardlaw called this broadening of the injunction to be "highly unusual," as well as "imprudent." So, although the pharmacy rules were put into effect on July 26, 2007, since the injunction was granted by Leighton in Nov. 8, 2007 the rules have been effectively dead in the water, statewide.

At least until the case was appealed. Immediately, a flood of interested parties jumped on this culture war bandwagon, filing a mind-boggling array of "amicus curiae" or "friend of the court" briefs to accompany the appeal of the injunction. These briefs basically look over the shoulder of the court and give them legal advice, some extra tips on how to navigate these tricky legal waters. Everyone from Americans United for Life, who consider Plan B "an abortion pill," to groups that protect women from domestic violence, to Americans United for the Separation of Church and State, jumped aboard with their two cents – altogether 14 amicus briefs were filed.

> The boycott was organized *before* Ralph's had made its religious objections known to the community.

The Ninth Circuit Court of Appeals in San Francisco (that has jurisdiction over seven Western states) disagreed with Judge Leighton's granting of the injunction, and reversed it. In a decision published on July 8, 2009, Judge Leighton was found to have made several legal errors in granting the injunction. Most notably the Ninth Circuit found that Judge Leighton erred when he decided that the new rules were not neutral and generally applicable, "which in turn triggered application of the strict scrutiny standard of review." The Ninth Circuit found, rather, that "there is no evidence that the new rules prohibit or mandate certain practices because of their religious motivation... the new rules are neutral on their face and in their operation." In other words the Ninth Circuit found that the rules were not targeting Stormans for his religious beliefs, they were designed to ensure patient access to medication.

Their conflict with certain pharmacists' and pharmacy owners' religious beliefs were simply incidental. The Ninth Circuit also found that the district court erred in applying the injunction to all pharmacists and pharmacies in the state of Washington, as well as failing to take full account of the interests of the public in this matter.

Between the time the new pharmacy rules were enacted on July 26, 2007 and the time the injunction was granted on November 8, 2007, 12 Olympia women who were unable to obtain Plan B at Ralph's filed complaints with the Board of Pharmacy. Since it was the injunction that protected Ralph's from disciplinary action for not giving out Plan B, its reversal means that Ralph's pharmacy lost its get-out-of-jail-free card, right? Well, uh, no, probably not. According to Steven Saxe of the Department of Health, they're still trying to figure that out. (See! This isn't just confusing for us! It's confusing for everyone!) Saxe reported that they're looking at both the Ninth Circuit court's ruling and another order issued by Judge Leighton, trying to figure out how they should proceed with the investigations of the complaints.

When, if ever, will the rules take effect?

Joyce Roper of the Washington State Attorney General's office, who is an attorney for the defendants, believes that the complaints are still essentially on hold, due to an order issued by Judge Leighton, which postponed the trial while the Ninth Circuit considered the appeal of the injunction. The trial was originally scheduled for Oct. 2008, and then it was postponed until April 2009, and then the appeal of the injunction was pending with the Ninth Circuit court, so the defendants and defendant intervenors asked that the trial be "stayed" (or postponed) until after the Ninth Circuit decision on the injunction. Judge Leighton granted that stay, with the stipulation that "in the event the Ninth Circuit Court of Appeals reverses the Order Granting Preliminary Injunction and vacates the preliminary injunction, the Defendants stipulate that the State Defendants will not take investigative or enforcement action against Plaintiffs or their employers under WAC 246-863-095(4)(d) or WAS 246-869-010(4)(d) until a trial on the merits has concluded."

On the surface, the point of the injunction was to protect Ralph's and the other plaintiffs from disciplinary action due to their refusal to follow the new pharmacy regulations. They got their injunction, so they didn't have to follow the rules. The injunction was appealed. Wasn't that appeal so that Ralph's would have to follow the rules? Then why did the state agree that even if the higher court said Ralph's had to follow the rules, Ralph's wouldn't have to follow the rules? What's the point of reversing the preliminary injunction if not to allow enforcement of the rules? How many years of law school does it take to understand this stuff?

Why?

Legal eagle Ayesha Khan of Americans United for Separation of Church and State came to my rescue, took my hand and led me out of the darkness. Khan and other attorneys at AU filed one of the many amicus briefs, advising the Ninth Circuit of legal mistakes made by the lower court of Judge Leighton. Several of the arguments in AU's brief were validated and restated in the decision of the Ninth Circuit to overturn the injunction. But the appeal of the injunction isn't really about whether or not Ralph's can be penalized for refusing to follow the pharmacy rules. It's not really about whether or not the Board of Pharmacy is allowed to enforce its codes. The appeal was really about what standard of scrutiny will be applied to this lawsuit during the trial, which is still upcoming, at some unknown date in the future.

According to Khan, the decision of the Ninth Circuit determines "How much of a hurdle does the state need to jump to justify these standards -- strict scrutiny or rational basis? With rational basis, the state only needs to show it [the pharmacy board rule] was reasonable." Remember, the plaintiffs and Judge Leighton want the state to be obliged to meet the strict scrutiny standard, which is more difficult to prove. To this end, the plaintiffs are preparing a request for reconsideration from the Ninth Circuit court. According to Roper, the trial will not even be scheduled until the Ninth Circuit decides whether or not to grant this re-hearing. Which standard must be met at trial may very well determine the trial's outcome.

If, as Leighton believed, the new state rules were targeting religious groups, they must be subject to what is called "strict scrutiny." "Strict scrutiny" demands that the state demonstrate three things for their laws and rules to pass muster: it must be justified by a compelling governmental interest, the policy must be narrowly tailored to achieve that goal or interest, and it must be the least restrictive means for achieving that interest. This is a tough standard to meet.

However, when a law or rule is found to be neutral and generally applicable, it only has to base a standard referred to as "rational basis." Rational basis is the least restrictive standard of review; it asks whether the governmental action is a reasonable means to an end that may be legitimately pursued by government. The Ninth Court's decision requires that the injunction be re-evaluated at the federal district court level, this time using the rational basis test, rather than strict scrutiny – it will be much easier for the pharmacy rules to meet this standard.

If the state has to meet strict scrutiny, the plaintiff will probably win at trial, and the pharmacy rules will be invalidated. If the state only has to meet "rational basis," the plaintiffs will probably lose, and the rules

will remain in effect, and might even someday be enforced! And the whole question of what standard has to be met hinges on whether or not the rules were specifically targeted at certain religious practices. This is where the delusions of persecution become key to the case. And if the truth has to be stretched, twisted, hidden or denied in order to make it seem like this whole thing is about religious persecution, not access to medications, the plaintiffs will do that, with a straight face.

How?

By lying! Let's look at the way Stormans' legal pleadings, press releases, and "guest editorials" have distorted the truth.

Governor Gregoire has been repeatedly depicted by the plaintiffs and their allies as nefarious and dictatorial, threatening to fire any Pharmacy Board member who refused to adopt rules restricting pharmacists' "right of conscience."

This is an odd characterization, since the rules proposed by Gregoire in Aug. 2006, after meeting with pharmacists, women's advocacy groups and University of Washington pharmacology professor Don Downing, were widely regarded as a "compromise solution." These compromise rules allowed for an individual pharmacist to opt out of dispensing medications to which they have moral objections, instead making it the responsibility of the pharmacy to dispense drugs. The rule advocated by Gregoire and ultimately adopted by the Pharmacy Board, does accommodate the religious objections of pharmacists, as long as the pharmacy has ensured there are other personnel present who can distribute medications to patients in a timely manner. Plan B, which is now available without a prescription, can be dispensed by a pharmacy technician, so there is no necessity for two pharmacists to be present, even if one of them is uncomfortable dispensing emergency contraception.

> Our goal, from the beginning and throughout the boycott, was to pressure Ralph's Thriftway Pharmacy to change its policy regarding stocking Plan B, using our economic leverage as consumers.

Furthermore, Gregoire did not "threaten to fire" the Board of Pharmacy. In a conversation with a reporter in June 2006, when asked whether it was within her discretion to replace Pharmacy Board members, she responded, accurately, that it was. She also stated that she would prefer not to do it. Soon after, she acknowledged in a press conference, that because the Pharmacy Board members had never been confirmed, she could remove the entire Board, with the Legislature's consent. However, even the exhibits submitted to the court by the plaintiffs fail to show any evidence that the Governor "threatened to fire" the Pharmacy Board – it seems that everything she said about her power to replace the Board was in response to questions from reporters. Perhaps the very fact that she, a woman, holds that power feels threatening to anti-choice sensibilities.

Most astonishing to me is the how the story of the boycott has been distorted. I was there! I remember what happened! And yet the Stormans insist that they were targeted by "abortion rights groups" from Seattle, rather than disgruntled former shoppers from Olympia. Remember picketing Ralph's on those hot summer days in 2006? That wasn't you! That was Planned Parenthood! Or NARAL. Or a coven or two of outside agitators.

In the plaintiff's amended complaint, filed on July 26, 2007, the claim is made that "Stormans believes that Scripture and science support the conclusion that life begins with fertilization. Stormans' religious beliefs prevent him from selling a drug that intentionally terminates innocent human life. After Ralph's made its objection known to those who inquired, activist Janet Blanding organized a boycott and staged regular and ongoing protests against Bayview and Ralph's Thriftway stores."

The truth is otherwise; the boycott was organized, not just by me, but by a group of people, before Ralph's had made its religious objections known to the community. The first boycott organizing meeting was held on June 18, 2006 in the Olympia Center, and involved about 25 people. At this meeting, which was facilitated by Keylee Marineau, several people, including myself, disclosed how we had phoned Kevin Stormans to ask why Ralph's didn't stock Plan B. (In an editorial later published in the Seattle Post-Intelligencer, Stormans characterized these phone calls as "anonymous." This was certainly untrue in my case – I left my name and a call-back number.) Stormans told all of us who phoned during May and early June of 2006 that his decision against stocking Plan B was a business decision, that it wasn't worth stocking because there wasn't much demand for it.

We thought he was wrong. We believed there was sufficient demand for Plan B, and we decided to demonstrate that to him. Four pickets were scheduled to take place outside of Ralph's later that month. We also made plans to publicize the picket dates, make fliers, and print pledge cards for former shoppers who planned to boycott Ralph's. At that first meeting, I announced my intention to file a complaint against Ralph's with the Board of Pharmacy, and offered to explain the complaint process to anyone else who was interested in making one. Our goal, from the beginning and throughout the boycott, was to pressure Ralph's Thriftway Pharmacy to change its policy regarding stocking Plan B, using our economic leverage as consumers. Up to this point, Stormans had steadfastly insisted Ralph's didn't stock Plan B for business reasons – not a word about his religion had been uttered.

A few days later, on June 21, 2006, *The Olympian* finally published a story on Ralph's refusal to stock Plan B. In that article, Kevin Stormans stated that the pharmacy's policy was "a moral decision," not a business decision after all. I still remember how shocked people were when Stormans changed his story. One woman told me she didn't really care that he didn't stock Plan B, but she resented being lied to; she consequently switched pharmacies. By the time Stormans began saying that Ralph's policy was a "moral" one, the boycott planning was already in full swing. But the truth doesn't advance the plaintiffs' theory that it's all about persecution. Just as the truth about how Plan B works (it does not destroy a life, since it doesn't affect an established pregnancy) is conveniently ignored, so is history rewritten to serve the legal ends of Ralph's.

The first time I read the complaint in *Stormans v. Selecky*, it struck me as odd that the history of the boycott was so distorted.

I thought maybe the Stormans couldn't bear the truth: that they had let down their former customers, that we felt betrayed and insulted by the dismissal of our pharmaceutical needs. Many of us had spent thousands of dollars at Ralph's over the years, often buying products like cigarettes, booze and frozen French fries, which aren't exactly life-affirming. Customers can buy stuff at Ralph's that the Bible declares abominations, such as lobster and shrimp ("Whatsoever hath no fins nor scales in the waters, that shall be an abomination unto you," Leviticus 11:10). Yet when we needed birth control after having sex, suddenly "life" and religion became huge issues.

The Ralph's boycott was organized by disgruntled former shoppers -- it wasn't targeted by abortion activists, nor by just one person. I thought Ralph's owners were in denial about the fact that a broad sector of the community was upset with them.

Now, having learned a little bit about the legal process, I can see that it may be something else: This delusion of religious persecution serves as a means to an end. If they can convince the judge that they have been targeted for religious reasons, it will be easier to win at trial, and a precedent will be set that will allow pharmacists all over the state --and perhaps beyond -- to deny women emergency contraception at will, to deny HIV medications to patients whose lifestyles they may disapprove of, to deny any medicine to any patient at any time for any reason. That's what the plaintiffs and the organizations backing them want, and to them, anything less is religious persecution.

Janet Blanding is an organizer for the Ralph's boycott and writer for WIP.

Ralph's/Plan B Timeline

January 2006 – Board of Pharmacy initiates rulemaking process regarding Pharmacist's responsibility to dispense lawfully prescribed drugs, considers "conscience clauses" and "refuse and refer"

April 17, 2006 – Executive Dirctor of the Washington State Human Rights Commission, Marc Brenman, sends a letter to the Board of Pharmacy advising that a "refuse and refer" policy would effectively discriminate against women

Spring 2006 – A married woman, who has not come forward publicly, has a prescription for Plan B refused at Ralph's. Rumors begin to circulate that Ralph's will not fill prescriptions for the morning-after pill.

June 2006 – WIP publishes its first article about Ralph's and Plan B

June 1, 2006 – Board of Pharmacy drafts "refuse and refer" code, which draws criticism from Governor Gregoire and many members of the public

June 18, 2006 – First boycott organizing meeting occurs

June 21, 2006 – The Daily Olympian publishes its first article about the Ralph's boycott. Kevin Stormans admits for the first time that he will not stock for "moral" reasons

June 28, 2006 – Boycotters begin picketing outside of Ralph's

July 31, 2006 – Nine women who were refused Plan B at Ralph's file complaints with the Board of Pharmacy

Aug. 26, 2006 – FDA approves Plan for over-the-counter status for women over the age of 18

Aug. 29, 2006 – Governor Gregoire sends Pharmacy Board a draft of her "compromise" pharmacy code

April 12, 2007 – Board of Pharmacy votes to approve new rules that require pharmacies to fill all lawful prescriptions

July 25, 2007 – Stormans et. al file a lawsuit against the state of Washington

July 26, 2007 – New pharmacy rules take effect

September and October 2007 – 12 women file complaints with the Board of Pharmacy against Ralph's for its refusal to fill Plan B prescriptions

Nov. 9, 2007 – Judge Leighton grants preliminary injunction – no enforcement action may be taken against any pharmacy in Washington that refuses to dispense Plan B, pending trial in Stormans v. Selecky

July 9, 2009 – Ninth Circuit Court of appeals reverses preliminary injunction in Stormans v. Selecky

July 31, 2009 – Stormans is anticipated to file motion for reconsideration of reversed injunction in Ninth Circuit Court of Appeals

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Is Plan B an abortifacient?

The FDA, Centers for Disease Control and World Health Organization all classify Plan B as birth control, rather than an abortifacient. Plan B is only effective with the first 72 hours or so after intercourse, and has been proven to have no adverse effects on an already established pregnancy. (Another drug, Mifeprex, also known as RU-486, can end a pregnancy in its early stages, but it is available only through clinicians – it is not sold in pharmacies.)

Controversy arises, however, over the effects of Plan B if taken after an ovum has been fertilized, but has not yet implanted. Hardcore anti-choice advocates believe that "life" begins at the moment of conception, when gamete (ovum) meets gamete (sperm), and a zygote is formed. Medically and legally, pregnancy begins when a zygote implants in the uterus, and a woman's body begins producing measurable pregnancy hormones. There is no way to determine whether a fertilized ovum is present within a woman's body before implantation short of opening her up and looking, which would interfere with the development of any zygote which was present. Clearly, there are ethical limitations to direct study of this question.

Therefore, it is difficult to say with absolute certainty whether or not Plan B can prevent implantation, although most of the evidence suggests that it does not. In a 2005 double-blind study performed by Croxatto et. al., researchers found that "The rate of ovulatory dysfunction observed with Plan B treatment is identical with the estimated efficacy rate of Plan B emergency contraception." In other words, Plan B's failure rate suggests that it only works if a woman takes it before she ovulates. Few scientists accept this statistical correlation as definitive proof, but all agree, that if Plan B ever interferes with implantation, it would be a rare event. In fact, progesterone, the hormone that is the sole ingredient of Plan B, is often given in assisted reproduction in order to increase the chances of implantation.

Anti-choice advocates have redefined this slender possibility of implantation failure as being fairly equivalent to homicide. In addition, they seem to have forgotten that most acts of intercourse, even unprotected, do not result in pregnancy. I have known women who have taken Plan B when they had very little chance of becoming pregnant, simply for the sake of their peace of mind. One woman, who wished to remain anonymous, confided that "My husband and I thought it was early enough in my cycle for us to 'be spontaneous.' The next day, in the sober light of morning, I decided I would rather take a dose of Plan B than worry about an unplanned pregnancy for the next three weeks." Peace of mind is an important consideration, even if the timing is such that a pregnancy is unlikely – especially in the case of sexual assault.

It should also be born in mind that other drugs, as well as natural processes, have – unlike Plan B – been proven to interfere with implantation. Breast-feeding, genetic anomalies, anti-inflammatory drugs such as ibuprofen and Relafen, are all implicated in the failure of fertilized eggs to implant in the uterus. Couples who have attempted in vitro fertilization procedures can also attest to how very often fertilized eggs fail to implant, despite their fervent wishes to the contrary.

The facile claims that Plan B causes abortion have been widely adopted by the anti-choice movement, but they have no credibility whatsoever. No one but anti-choicers consider that blocking implantation is tantamount to terminating a pregnancy, and in any case, Plan B's ability to block implantation is unproven. The claims that Plan B is abortifacient have no scientific validity, and are clearly made for political reasons.

A protest against the apartheid wall in Ni'lin, Palestine is met with Israeli force. Shutvet is pictured second to left in the background. Photo taken by Shachaf Polakow of Activestills.org

A student's harrowing experience in Palestine

By Erik Shutvet

In May, I was fortunate enough to be able to travel into Palestine after a study abroad trip to Egypt and Jordan with my program at The Evergreen State College. We made the crossing at Allenby Bridge, the main crossing point into the West Bank from Jordan. The bridge goes over the Jordan 'River', which can generously be called a creek due to Israel's massive water consumption that drains the river further north.

Standing in line to be questioned by the Israeli border officials, I saw to my far right a group of at least three dozen pilgrims from India. Closer to me, a man excitedly told the official that he just wanted to party in Israel but if she wouldn't mind not stamping his passport because he works in Saudi Arabia. Behind me, a group of 20 something year-olds were asking for trouble, one sporting a beard, a keffiyeh, and dark sunglasses. To my left, a Palestinian man in line placed a single kiss on his passport.

When we got to the Israeli official she was all smiles and excitedly told us it was her birthday. After a handful of basic questions, we were waved through. Clearly crossing the border is easy so long as your passport and skin color are in order. If you've been to Lebanon or Syria, if you look Arab or have darker skin, if you look like you fit the profile of an 'activist', and certainly if you're Palestinian, you're liable to get taken aside or at least questioned intensively. But since we looked like young ignorant tourists, and we were white, we were let through.

Obtrusive and malicious interrogations are common at the crossing. In one of the more prominent cases, an award winning Palestinian journalist was taken aside at the crossing and brutally tortured by the Israelis. A woman we met in Jordan who attempted to cross was questioned belligerently for four hours because she had been in Syria and lives in Turkey. That she was Jewish did not sway them. Eventually they stamped her passport and turned her away, meaning she can't get back home through Syria unless she gets a new passport.

Upon entering Jerusalem we were greeted by hordes of Israeli youth waving Israeli flags and parading exuberantly. Everywhere there were displays of ultra-nationalist Zionism. Platoons of soldiers and police stood guard. A man with a pistol stuck in the back of his pants danced with his little daughter to rocking Hebrew tunes. Jewish youth ran through the streets of the Old City wearing Israeli flags as capes, a city they are told is their God-given right to rule and where Arab shopkeepers are beaten and Arab homes taken over illegally by settlers.

We had entered on Jerusalem Day. This day in Israel celebrates the 'reunification' of East and West Jerusalem after the 1967 war, a reunification that no other state in the world, including the United States, recognizes. But this "reunification" is a fantasy. Jerusalem is still split between the marginalized Arab areas and the wealthier Jewish areas. East Jerusalem, the once predominantly Palestinian area, is being heavily 'judaized' (their term). Thousands of Palestinian homes were demolished and are denied permits to build new ones. Jews are given much cheaper housing. Arabs are ignored by the ministries. While Jewish homes generally get access to water 24/7, Arab homes do not. Roads used by Arabs in East Jerusalem are not well maintained and life is generally made miserable.

In Silwan, an Arab neighborhood just outside the walls of the Old City in the shadow of the Dome of the Rock, the government hopes to demolish 88 Palestinian homes to make way for an 'archaeological park', essentially a Zionist propaganda piece claiming the area is the site of the 'City of David'. The park already partially exists but they want to expand it so that (according to the unintentionally humorous propaganda art around the site) birthrighters and tourists can drive segways and golf carts around a village recreated to show "what life was like in the time of David". Never mind the lives of the 1,500 plus people currently living there.

The Zionist archaeologists, who initially did their work illegally, only care about Jewish artifacts and not long ago threw out bones from Muslim graves they found. They have even expanded on the old tunnels under the city. This tunneling has threatened to collapse homes in the area and even threatened the Al-Aqsa Mosque until an Israeli court ordered the digging to stop.

Walking through Silwan, the occasional Israeli flag flying high lets you know that Zionist settlers supporting these plans have appropriated that home from its lawful owners. The Israeli government actually pays private security to guard these thieves. While taking a picture of one of these occupied homes, a man who appeared to be of Jewish Ethiopian descent watched me from his outpost. It is a tragic fact that many of the most fanatical settlers are Ethiopians, Russians, or other fairly recent immigrants who choose to integrate into Israeli society by partaking in the brutal racism toward Arabs that holds together the diverse country of Israel.

Outside East Jerusalem, the massive Israeli settlement of Ma'ale Adumim threatens to surround and cut off East Jerusalem from the rest of the West Bank. If this happens, there can be no hope of an independent Palestinian state with East Jerusalem as its capital. Settlements and Israeli-only roads all over the West Bank are ingeniously placed to slice up the land and make sure that any Palestinian state will be a collection of enclaves dependent on and beholden to Israel.

In the shadow of the Ma'ale Adumim lay slums inhabited by Palestinian Bedouin. Forced out of the Negev desert by the Israelis and left with nowhere else to go, they set up shanty towns along the bypass road leading to Jerusalem. Treated as trash (quite literally, for the Israelis say they are clearing trash when they destroy these camps) they can only look up in dismay at the lush, green, fortress-like settlements. In one of these makeshift villages, we pitched in to help build a new school (that was recently featured on Al-jazeera English). Afterward, we got on a settler bus and drove through the very settlements that look down on the Bedouin. For outsiders, it can be so painfully easy to skip between worlds here.

This dichotomy between worlds feels so striking and blatant throughout Israel. True, we can find similar dichotomy nearly everywhere in the United States, and that's just one of many similarities these two colonial powers share. Not the least among them is the relationship between the native and the colonist. It is important to remember that by every definition Israel is a colonial-settler state, like the U.S., Canada, Australia, and apartheid-era South Africa. Historically, settler states only succeed and last if they eliminate the vast majority of the native population.

Driving through Ma'ale Adumim it looks

▸ **PALESTINE** continued on page 10

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Relevant passages from the Posse Comitatus Act

edited by Zoltan Grossman

Posse Comitatus Act of 1878
20 Stat. L., 145

Chap. 263 - An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

Sec. 15. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section And any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding ten thousand dollars or imprisonment not exceeding two years or by both such fine and imprisonment.

10 U.S.C. (United States Code) 375

Restriction on direct participation by military personnel:

The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

18 U.S.C. 1385

Use of Army and Air Force as posse comitatus.

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.

John Towery and the chain of evidence

We in the Works In Progress editorial board do not believe it is appropriate to print material exposing a long-time activist as a government informant without also supplying a preponderance of evidence. However, with the evidence that follows, the conclusion that "John Jacob" is in fact John J Towery II of US Army Intelligence is inevitable:

1. A recent public records request (previously reported in the July 2009 issue of WIP) uncovered e-mails by a "Towery II, John J CIV USA IMCOM" relating to local activism
2. A Washington State voter database listed John J Towery's home address in Spanaway
3. Observation of the address revealed it was the home of activist "John Jacob"
4. The birthdate listed for John Towery corresponded to "John Jacob's" age
5. A vehicle that "John Jacob" had frequently been seen driving was parked at the residence
6. Online searches revealed, among other things, that John Towery was a member of a motorcycle club called the Iron Butt Association, which listed his motorcycle as a Suzuki C50T
7. Activist "John Jacob" was seen and photographed riding a Suzuki C50T with an "Iron Butt Association" license plate frame in Olympia
8. Finally, once confronted privately with this evidence, "John Jacob" admitted he was indeed John Towery

▸ **"JOHN JACOB"** continued from page 1

often becoming uncertain or confused in his recall of how the military shipped items. Usually his observations were of parts of the base to which we had no other access, so we had to rely on his reports and could not catch him in any misrepresentations. Most of the time, the observations were not critical so we didn't need to try.

I was involved in a public conflict with another activist in December 2007 and at that time I was the only administrator for the Olympia PMR listserv on Riseup.net. The public conflict led me to recruit others to act as listserv 'owner' to preserve my integrity and to resolve the conflict of interest.

Three people volunteered to take on that role. One of them was "John Jacob."

From that time until June 2009 this spy for the US Army had complete access to the Oly PMR listserv membership list and could add and remove users. He did this on several occasions and generally was not found to abuse that power, except that he probably handed the list to his employer (the United States Army) periodically or used it in identifying and reporting on new users as they were placed on the list. This was my mistake, and I apologize for this error. In the future we should make such decisions *only* in group process.

During 2008, "John Jacob" was asked several times to secure venues for various PMR related meetings or events in Tacoma, and he failed in doing so each time. Yet, when concerns were raised, he would put the onus back on the rest of the group. When one activist suggested that we organize out of Olympia because the Tacoma activist community "[doesn't] seem one bit inspired," Towery had this to say:

"I will tell you what I think, as someone from the Tacoma area, I think you made some arrogant and incorrect assumptions about Tacoma, its inspiration, and its attempts to secure a location for the regional PMR meeting.

"I think that perhaps you should contact someone from Tacoma and do some fact checking before you make such marginalizing statements. A_O"

(Agent Orange, his handle on Riseup and MySpace) Sent February 22, 2008

Of course, if we suspected someone of being a police spy every time they were abusive on email, we probably would not have a listserv user base for very long. Maybe John was simply trying to sound as petty as some of the listserv activity that went on at that particular time.

"John Jacob" also attempted to allay fears about Riseup being hampered by the Army whenever critical times were at hand.

"I think it is the nature of riseup. They have different mail servers and if one does not communicate very well with the others those emails can be lost or delayed. If there is a problem and they identify it, once corrected they will start unjamming the backlog, but they do the last in...first out with the emails making an email that arrived much earlier get posted much later.

"not a good system, but a system and a system that is supportive of activist movements. Hope this helps. John."

Sent May 6, 2008

This response from "John Jacob' indicates he might actually be familiar with the internal workings of Riseup's mail and list servers, raising the question whether he or someone with whom he works could deliberately interfere with the mail and listservs at critical times. We have consistently noticed that on occasions when the list is needed for emergent situations, such as announcing critical response meetings and the start of direct actions against sighted movement of military equipment, we have had problems with delayed mail processing. This is one reason why we have adopted an alternative method of relaying emergent information, using Twitter.

There is much more to the story of "John Jacob," whose actual name is John Jacob Towery II, and how we found out he really worked for "Fort Lewis Force Protection." We will get the complete story out in the near future.

Drew Hendricks is a member of PMR-Intelligence Network For Observers. He can be reached at 360-870-3127 or by email at drewhend98513@yahoo.com

The death of John Jacob

By Brendan Maslauskas Dunn

To be completely honest, I had no idea the records requests I received would have any valuable information. But they did. In an insignificant email attached to an unfamiliar name, buried in hundreds of documents and messages was a fragment of information that only after the research done on the part of many people exposed the spy amongst us. His real name is John J Towery II. I knew him for the past two-and-a-half years as John Jacob. He was my friend.

I first met John Jacob through the anarchist Pitchpipe Infoshop in Tacoma. He was new. I thought it was a little strange that someone of his age and background would be hanging out with teenage and twenty-something anarchists but he definitely was not the first. I got to know him. He was kind, compassionate, a dreamer, a thinker and all-around pleasant. The first of many demonstrations I was at with him was the Spec Ops demo in Tacoma. He went to Port Militarization Resistance actions and demonstrations in Aberdeen, Tacoma and Olympia. He brought his son out to Food Not Bombs and other community events and gatherings. Students for a Democratic Society (SDS) and Movement for a Democratic Society (MDS) were of great interest to him, for a while. He wanted to start an MDS chapter. He attended Tacoma SDS meetings and Olympia SDS events and actions.

He was there at an anti-police brutality gathering where I explained the story of how my friend's brother was shot and killed by the police in front of his children in Utica, NY. He came to my birthday party once and gave me two books as a present: *Walden Two* and *A Man's Search For Meaning*. They still sit on my bookshelf. He came to both of my houses a number of times. He called me on the phone when our friend was arrested at an action. We gave a workshop together at the Tacoma anarchist bookfair on popular neighborhood assemblies, grassroots organizing and communal struggle. We shared stories. We laughed and dreamed together. We were friends.

My friend John Jacob died the other day. But it was an uncertain death because in order to die, you must first be born. John Jacob was never really born. He was never really, completely who he said he was.

The day after it was confirmed that John Jacob was John J Towery II who worked for Fort Lewis, I called John up. I couldn't wait for him to call me. I didn't think he would. "John... what's the deal? Is it true?" He admitted it was true, but there was more to it than what was publicized. We agreed to meet in Tacoma along with another friend who John said he trusted.

This is John's story during the meeting. I'm writing about this not because I believe it, but because I think we should hear it.

He began by telling us that the world isn't black and white – there are areas of grey and it is in those areas that John lives his life. He told us that he was genuinely interested in social justice activism when he started to get involved back in 2007 or so. He was always honest with us when he told us that he worked in the military in the past and currently works on Fort Lewis. He said things started to change in June 2007 when he went to the weapons symposium demonstration in Tacoma. He told us that he was approached by the Tacoma police following the demonstration. The police threatened to tell the necessary people on base that John was at the demonstration, thus putting his security clearance and his job at risk.

It was then, John implored us, that he decided to work as a double agent of sorts. He decided to start spying on the Movement (port militarization resisters, SDSers, anarchists and the like) on his own will. Without the two of us even asking anything, he told us that he worked on his own and that he didn't work for any pay from any agency.

He reported on our activities only, he asserts, to the Tacoma police and Pierce County Sheriffs. Not the military, FBI or any other agencies, although he admitted that the network of police and intelligence officers he reported to included the Washington Joint Analytical Center (WAJAC), Joint Terrorism Task Force, ICE, the Army and the FBI. What did he report on? He insisted it wasn't much -- only when things we planned were a threat. But he did mention his reporting to the police when one activist legally purchased a gun (with John's help), what activities some activists were involved in and he inflated numbers of demonstrators that would be at the Smash ICE demonstrations in Tacoma.

According to John, he infiltrated us "to protect us". His logic, if it can be called that, was that if he was the only trusted person, the only infiltrator the police had amongst us, then he had the power in deciding what information was and was not passed on to the police. He could put a cap on things. He told us of three other infiltrators he spotted out in PMR and the Olympia anarchist bookfair and told us that he called them in to the police so they would leave.

We asked him if he knew of other agents infiltrating. He said he could not name names because he would be criminally liable. We asked him if he knew anything about infiltrators in different organizations, tapping phones and routine police harassment of activists and following activists in their patrol cars. He said there were no bugs, there was no phone tapping, and police following and harassing activists in Tacoma and Olympia was something they did on their own.

He also discussed the threats the police thought two activist houses posed – Pitchpipe Infoshop in Tacoma, and "HQ", an anarchist house where I lived for three years in Olympia. The police had been planning on raiding both houses for a long time and continuously approached John, asking him if we had any firearms, weapons, explosives, bombs, drugs or plastic defense shields used at demonstrations. He told them no. In reality, the police would have found nothing had they raided my home.

We asked him if he had anything to do with the arrests of certain activists – of Phil Chinn, whose car had a tracking device on it while he was en route to the port demonstrations in Aberdeen in 2007 and some other activists in Tacoma that were arrested in the past. I asked if there was anything on me during a period of time when I was repeatedly arrested and detained at demonstrations for doing absolutely nothing, but was charged with a plethora of misdemeanors and felonies and for a while spent most of my time attending court hearings in four different counties at the same time. He said he had no part in any of that.

What should I believe? John's entire story? Some of it? I thought about what he told me and there's one major thing that John omitted. That was the fact, supported by documents in the records request, that he sent emails with his Army email to others in the military about our activities. That one document puts a small crack in the foundation of his story and makes it crumble to the ground. He is attempting to keep his foot in the door with those he trusts the most, the four of us who were his closest friends. But his story that he only reported information to a bunch of Keystone cops in Tacoma is laughable. It's a sorry attempt to cover up his tracks and protect those who were responsible for directing this operation – the US Army.

The one thing John told me that I absolutely believe is that the military is scared right now. They know they screwed up. We caught them. And they will ultimately pay for this. Other than that, I don't know what to believe and I don't think I should try and sift fact from fiction. If John taught me anything these past few years, he taught me not to trust him.

My friend and I left John at the end of the meeting. Our eyes were full of tears. Tears were falling down John's right cheek. I didn't know what to do so I gave him a hug. I knew that would be the last time I would see him. John Jacob died that day, and that was my way to say goodbye.

Brendan Maslauskas Dunn is a long-time local activist and member of SDS, Industrial Workers of the World, and Common Action.

Graphic by Corey Hacker

Do not pass go, do not collect $200

An account of the May Day 2008 sentencing

by asayayasa, stefannity and bface

On July 21, 2009, the events of May Day 2008 finally came to a close with the sentencing of four anarchists of the South Sound region. For over a year, they were legally bound to endure an array of court dates, legal costs, extradition waivers, etc. All this has stemmed from some debatable interactions with banks that since then had a wide impact on the Olympia activist and broader communities.

May Day 2008 began at noon downtown in Sylvester Park with a large crowd listening to speakers who talked about issues ranging from establishing Olympia as a sanctuary city to the history of May Day. Because the rally was intentionally focused on immigrant solidarity, all the speeches were directly translated into Spanish. At the conclusion of the speeches, the crowd led itself on a permitted march up Capital Blvd. to the Capitol Campus. At the Capitol, more speeches followed as well as some disagreements over tactics. Next, the crowd continued the march to the City Hall and then downtown, where a "breakaway" march occurred. The breakaway march consisted of people who were seemingly prepared to use a diversity of tactics. These tactics proved to include property destruction via rocks through the windows of banks. The cops reacted predictably as pigs and began assaulting and arresting people at random. Six people were arrested and taken away though many more were de-arrested. To de-arrest someone is to prevent the police from arresting them and taking them away, thus whisking them to safety.

In the following weeks, police harassment against activists continued as well as a disturbing amount of in-fighting and finger-pointing toward local anarchists. Claims went as far as to blame anarchists for denial of the Sanctuary City proposal, demonstrating a lapse in memory regarding standard city council behavior. Whether or not all groups agreed about effective tactics, they did work to initiate a significant amount of dialogue around property destruction and what solidarity looks like.

Over the next year, despite state repression, anarchist activity continued undeterred. In addition to countless hours of day-to-day community organizing, the cops were attacked at their Westside station.

Mid-afternoon on July 21, about 20 or so friends, family and comrades of the arrested converged at the Thurston County Courthouse to witness the conclusion of the court proceedings. While the defendants and their supporters waited for the proceedings to begin, a badge wearing buffoon tried to quiet the crowd but was met instead by jeers and laughter. The atmosphere amongst the visitors remained supportive and there was an understanding that this particular charade of justice was soon coming to a close.

Inside the courtroom, the authorities displayed a typical detachment with reality. There was an excessive amount of sheriffs supposedly meant to deal with the anarchist crowd control. The prosecutor Bruno, a real-life parody of JP Moneybags, consistently talked in language equating anarchists to criminal combatants. The Judge could hardly suppress her disdain for the accused with body language that all but gave away her bias. In the end, after final statements were given, a last ditch effort to demonize the defendants was provoked when Prosecutor Moneybags submitted a photo of an unidentified person in black clad clothes. Meanwhile, the defendants and their supporters braved the drudgery with jokes, small talk and hugs.

> Responses ranged from apologetic and conceding to a "defiant" non-response.

The four Olympia anarchists received from 10 to 120 days in jail but they can evade doing time in jail because Judge Anne Hirsch authorized the use of work release or house arrest. They are ordered to start their sentences by Aug. 4. Hirsch also ordered the co-defendants to each serve 240 hours of community service.

Not all defendants interacted with the judge in a similar fashion when presenting a statement. Responses ranged from so-called "groveling" or using an apologetic response and conceding to making a mistake to a "defiant" non-response. The term groveling was applied to two of the defendants on the 21st as well as in an article posted on Indymedia using similar accusations. It should be understood that whatever approach is taken, the bottom line is the state is illegitimate and we should not expect nor desire them to be moved by our behavior in court. More importantly, within our anarchist communities we should respect our own capacities to navigate the legal system in whatever way we see fit. Ever heard of self-determination? We would do well to balance a level of being self-critical with a space for support and compassion. There is no interest in being part of replicating the same characteristics of culture thriving on bickering and miscommunication.

If there is anything to be remembered from such a day in court, it is that amidst the fallacies we remained in solidarity with each other and were able to offer and provide comfort to our compañeros during a time of misfortune. We do this because we love each other, what we stand for, and how we are creating a world where days in court are a boring memory.

Anarchist activity looks like many different things for all anarchists. We are deeply involved in building communities based on mutual aid, voluntary cooperation and happiness inside a world programmed not to understand such concepts. While our daily affairs may lead us into conflict with cops and other authorities, anarchy is much more than reliable opposition to banks, schools and prisons. We must consider moving beyond defining anarchist activities solely as confrontation with figments of the state. We do not advocate a cessation of direct action but rather an applause of all the dreams that we can realize.

On Aug. 4, the defendants are ordered to comply with their respective sentences as given by Judge Hirsch. As documented in the court proceedings all four defendants have been and will continue to be involved in important work within their communities. Luckily, the court has no idea about what community work actually means and how subversive it is to their positions of authority. These punishments should not be seen as setbacks but rather as court-appointed hindrances that we will creatively endure together. We would like to thank our friends who will now have the opportunity to reflect not on mistakes but on the learning process of being an anarchist with a monitoring chain on their ankle.

Note: On May 1, 1886, the struggle for the eight-hour work day culminated with the arrest and eventual execution of four anarchists (Albert Parsons, George Engel, August Spies and Adolph Fischer). May Day has deep ties with the anarchist tradition. In the Olympia community we would like to recognize this tradition and not repeat the history of state repression of anarchists by continuing to put anarchy on trial.

▸ **PALESTINE** continued from page 8

like a wealthy Miami suburb. Palm trees line the wide streets, the grass is well-trimmed, and the white stone apartments glisten in the sun. Uprooted thousand year-old olive trees adorn the center of roundabouts. All of it is very permanent looking, not something that is going to be moved or abandoned without a ferocious fight. 35,000 settlers live there, illegally under international law. In the West Bank, there are nearly 500,000 of them, the majority of them between the Green Line (1967 border) and the wall which explicitly snakes around to incorporate these settlements for future annexation into Israel proper.

> By every definition, Israel is a colonial-settler state, like the U.S., Canada, Australia and apartheid-era South Africa. Historically, settler states only succeed and last if they eliminate the vast majority of the native population.

Moving out of Jerusalem, I was stunned by the beauty of the West Bank. It is truly breathtaking, which makes it all the more shocking to see a slab of grey wall or an Israeli checkpoint cutting through it. The heart of the resistance in Palestine shifts but today two of the most important battlegrounds are the villages of Bil'in and Ni'lin, where demonstrations are held every Friday after prayer. The villages are west of Ramallah and the wall cuts them off from their ancestral farmlands. Settlements and roads have been built and continue to be built on their land.

On May 29, we attended the demonstration in Bil'in. It had been 40 days since the murder of Basem Abu Rahme, a well-known and well-loved member of the community, by an Israeli soldier who fired a high velocity tear gas round into his chest at close range. A soccer tournament was held in his honor with 30 teams competing on a dusty dirt field.

Every week the demonstration goes similarly. The demonstrators, usually a couple hundred, walk up to the 'wall' (which is a fence in these rural areas), and are met with a copious amount of tear gas and rubber bullets. Most retreat, internationals and Israelis take pictures, a handful of dedicated demonstrators throw rocks or attempt to break through the barrier. This has gone on every week for four years.

On June 5, which happened to be my birthday, we attended the weekly Friday demonstration in the nearby village of Ni'lin. This day confrontation began even before the noon prayer. During most demonstrations, the Israeli army occupies a home that is under construction near the fields. That day, a group of local and international women barricaded themselves inside the home and refused to let the army enter. Despite being refused entrance, the military illegally attempted to force their way in and began barraging the home and nearby area with tear gas and sound bombs. During the military assault, they fired at an ambulance and injured a medic. The soldiers arrogantly offered water to the besieged women and laughed. One woman in the house fainted and all suffered from tear gas inhalation.

After about a half-hour of clashes, the army gave up and fell back but not out of sight, and a prayer was held right in front of the home. Shortly after prayer ended, the Israeli army began firing tear gas and rubber-coated steel bullets. Defending their village, the local Shebab (youth) respond by hurling rocks at the invaders. Tear gas canisters and bullets whizzed around as everyone scattered, taking cover and gasping for air.

Although banned in 2001, the military began officially using the 0.22 bullet again in January for crowd control. This small live round is supposed to be fired at the legs of protesters. On June 5, five demonstrators were hit above the waist by this live ammunition, one was martyred about 50 yards from me. His name was Yousef Akil Srour, he was a 36-year-old who had two wives and a number of children and was a leading organizer of the demonstrations. He was shot in the heart by a sniper while running to rescue a young boy who had been shot. Shortly after Yousef was hit, the army pulled back and the village was left in mourning. The boy who was shot may be paralyzed for life.

Yousef is the fifth shahid (martyr) the village has seen, not including Tristan Anderson of the U.S., who remains in a coma after being hit by a high velocity tear gas round in March. Every funeral has been attacked by the military. Yousef's funeral the next day was met with harassment and checkpoints. The Israelis do this to break the spirit and will of the people of Ni'lin, so far it has yet to work.

The demonstration ended that day with a death of another martyr to join the tens of thousands of others in this long struggle. Afterwards I paused to stare at the skyline of Tel Aviv, the economical capital of Israel and one of the wealthiest cities in the entire region, which on clear days you can see from the village. For Israelis it is a mere 20 minute drive away, for Palestinians getting there would be a difficult and likely impossible task.

And on particularly clear days in Ni'lin, you can even see the ocean.

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▸ **RAMIREZ-JIMENEZ** continued from page 1

nor Asian).

Having no descriptions of the suspect from the earlier shooting other than his race and the make of his car left considerable room for error. As the driver of a black Honda Del Sol, it is understood that Ramírez-Jiménez would have been a suspect of the shooting, but the OPD's justifications for the killing seem to reflect a presumption of guilt rather than mere suspicion. Curious, too, is why, if Ramírez-Jiménez had been the shooter in the earlier incident, he would have returned to or remained within blocks of the crime scene after five hours. While it is possible that a shooter could behave in such a way, it would be odd to say the least.

Next, Haller's "officers' statements" about the incident indicate only their suspicions at the time, that Ramírez-Jiménez had been the shooter, suspicions that were based on their flawed numbers on Del Sols and the aforementioned witness statements. So how about those unspecified "provable facts?" Perhaps Haller is referencing the contents of the Washington State Patrol's (WSP) forensic report. If he is, however, it is hard to say what provable facts he is referring to. The WSP report reads like a laundry list of evidence, but every piece of evidence given is without context. Bullets and cartridges are described, as are the types of guns they were fired from, but the report doesn't say where any of the pieces of evidence are from, making conclusions hard to draw.

With little or nothing in these "witness statements, officers' statements, and provable facts" to support Haller's allegation of Ramírez-Jiménez's guilt in the Wilson and State shooting, it appears likely that Haller made this statement to make the officers' decision to pursue Ramírez-Jiménez seem valid.

Evidence photos (above), in contrast with police drawings (below), show bullet trajectories that could not have left the shooters directly in harm's way.

> None of the officers claim to have seen a gun. Gassett admits that after they had shot Ramírez-Jiménez, he saw that both of Ramírez-Jiménez's hands were empty.

Was Deadly Force Necessary?

At 5:45 a.m. at a Shell gas station on Martin Way, Hovda turned on his emergency lights and approached Ramírez-Jiménez's car where it was stopped. When Ramírez-Jiménez began to flee, his determination to escape conflated with the officers' existing suspicions and a chase ensued. In his statement, Gassett explains, "I was sure that this was a person that was involved in the shooting earlier... In my history, I've only had a dozen people actually run from me... There has to be a reason or they're real stupid to actually do that... I was convinced this was the shooter in the earlier situation." Ramírez-Jiménez, however, had an outstanding warrant from having failed to appear in court earlier in the year, so he had a motive to flee other than the one the police suspected.

The chase culminated at 26th and College St. in Lacey when Gassett's vehicle pinned Ramírez-Jiménez's car against the curb. When the police commanded Ramírez-Jiménez to put his hands up, officer statements say, he refused to comply. The officers also allege that while one hand was on the steering wheel, the other was reaching for something they thought was a gun. In none of the officers' statements to Haller, however, do they claim to have ever actually seen a gun. In Gassett's statement, he admits that after they had shot Ramírez-Jiménez, he saw that both of Ramírez-Jiménez's hands were empty.

Though it appears, according to evidence logs, that Ramírez-Jiménez did have a gun in the car at the time, Gassett's testimony, combined with evidence, points to it having not been in his hand at the time he was shot. In his report, Haller states that during the examination of Ramírez-Jiménez's body it was observed that the palm of Ramírez-Jiménez's hand had no blood on it and that there was also a lack of blood on the weapon's handle, suggesting that Ramírez-Jiménez may have been holding it when he was shot. Photographs, however, show that there in fact is blood on the handle of the gun, and in photos where the gun is removed, a black silhouette of a gun can be seen on the blood-stained console between car seats. This makes it appear that the gun had been sitting there when Ramírez-Jiménez was shot and that it was apparently not in his hand.

It is reasonable, then, that Ramírez-Jiménez did not pose a deliberate threat to the officers by way of a weapon, but the officers also reported another threat they perceived. In hand-labeled diagrams and in verbal testimonies, all three officers purport that Bakala and Hovda were standing behind the car when Ramírez-Jiménez began attempting to free the vehicle from its pinned position. Different fears amongst the officers at this time led to different courses of action.

To Sapinoso and Aalbers, the imminent concern was that Ramírez-Jiménez would escape; both ran to retrieve tire spikes from their cars to prevent Ramírez-Jiménez's vehicle from breaking free. The statements of the Olympia officers on the other hand indicated concern for the safety of Bakala and Hovda as the car tried to move back. While Sapinoso and Aalbers were still getting out the tire spikes, Gassett opened fire, his first bullet hitting the front left tire of Ramírez-Jiménez's car. Immediately after, he fired at Ramírez-Jiménez, and shots from Bakala and Hovda followed in rapid succession. Autopsy and ballistics reports show that the bullet found in Ramirez-Jimenez's back had been fired by Hovda's pistol, and the bullet in his neck from Bakala's.

> All the inconsistencies in the police's reporting demonstrate the need for truly external and independent investigations.

Two important questions should be asked about these events: Why was deadly force deemed necessary by the OPD officers yet not by the LPD officers? And, why did Gassett first shoot to flatten the car tire before firing at Ramírez-Jiménez? Even if Gassett acted under the dual premises of keeping Ramírez-Jiménez from fleeing and protecting his fellow officers from harm, would shooting the tire not have sufficiently served both in further immobilizing the car?

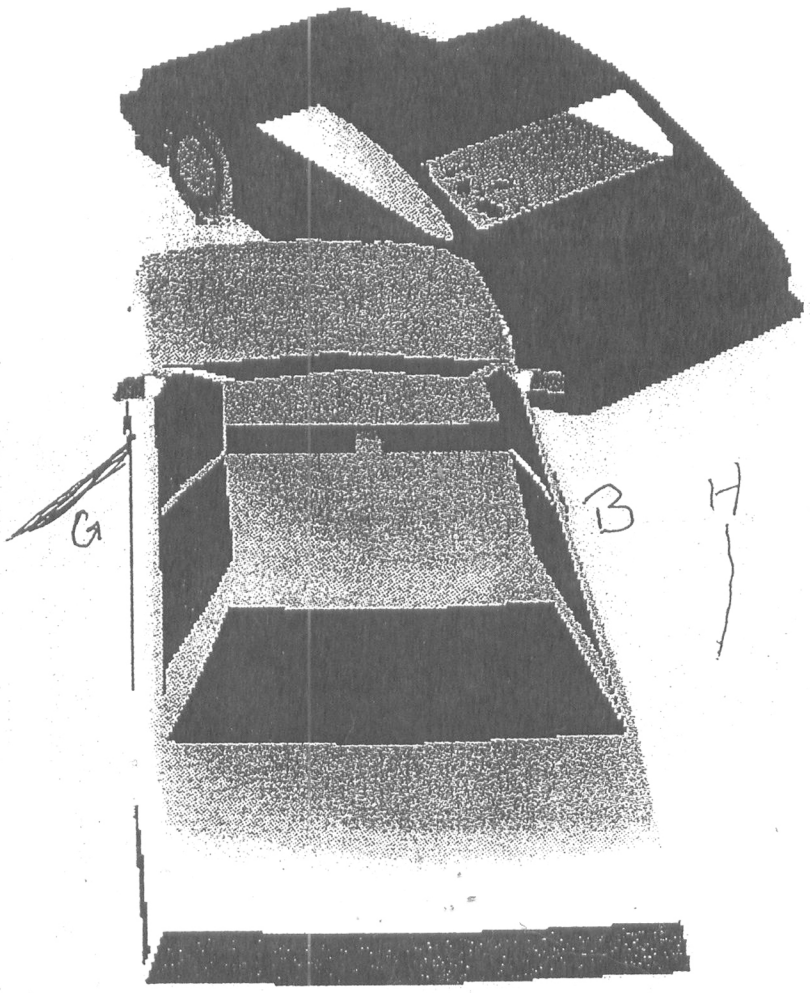
The supposition police say the officers operated under is that Ramírez-Jiménez's non-compliance with their orders put the officers' lives in danger. In their statements, the officers claim that Ramírez-Jiménez's car could have struck the officers as he tried to escape. But the statements also report "squealing of the tires," "smoke go[ing] everywhere from his tires," and officer Gassett estimated the car "can't get over the curb... And the angle he's in, I don't know if he could, I mean a trained driver could, but I don't know." Gasset also noted that as Ramírez-Jiménez spun his wheels, his squad car was pushed back "just a few inches." Photographs of Ramírez-Jiménez's car from after the shooting show a large dent where the squad car's push bumper had been lodged. Haller, in his questioning of the officers, though, never asked why they believed Ramírez-Jiménez's car was in danger of breaking free.

Nevertheless, the shooters maintain that Bakala and Hovda were in fear of their lives because they were standing on the right side of Gassett's patrol car, behind Ramírez-Jiménez's car where he could have hit them. Looking at trajectory evidence, however, it isn't clear that any of the officers were where they say they were, in the path of Ramírez-Jiménez's vehicle. Investigators at the crime scene later that morning inserted trajectory rods through bullet holes in Ramírez-Jiménez's car to determine what direction shots were fired from. Photos of these rods reveal that bullets entered Ramírez-Jiménez's car from angles quite different than those bullets would have entered at according to the officers' verbal descriptions of their positions and diagrams where the officers have marked their approximate locations.

Need for an Independent Investigation

All the inconsistencies in the police's reporting and interpretation of what happened when Ramírez-Jiménez was shot demonstrate the need for truly external and independent investigations of the police's actions. It is clear there were errors in the police reports. At worst, there was collusion and evidence tampering. This sort of sloppiness demands that systems of accountability be fixed so that cops can't investigate one another and exonerate their peers from wrongdoing with impunity. The inconsistencies in the case don't prove one way or another that Ramírez-Jiménez was guilty of the earlier shooting or that his killing was warranted, but they show that his and his killers' guilt or innocence remain decidedly unresolved despite the completion of the official investigation.

Savkovich and Weiss are still pursuing leads in their investigative analysis of the case.



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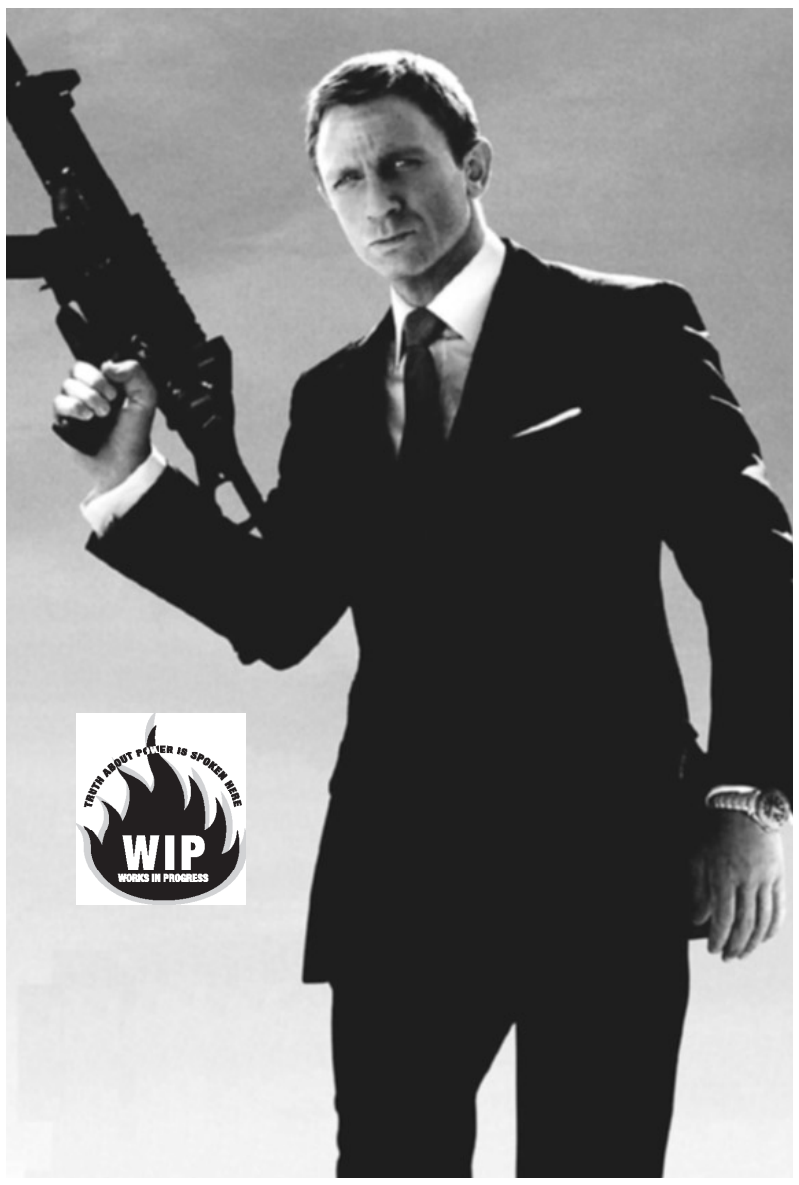

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